
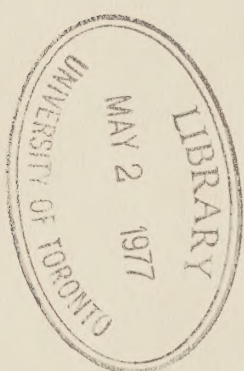


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THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

Proceedings of Select Committee
regarding Collective Bargaining
between Employers and Employees.

PRELIMINARY SESSION
Feb. 25, 1943.

Associated Official Reporters,
314 Manning Chambers,
Toronto.
Wa. 2483.

MR. FURLONG: Gentlemen, the Legislature has seen fit to appoint this committee to delve into the question of collective bargaining. I think first I should deposit the resolution of the Legislature, as certified by the Premier, to which is also attached the names of those who constitute the committee. I will file this now as Exhibit 1.

---EXHIBIT 1: Letter of February 24, 1943 from Hon. G. D. Conant, Prime Minister of Ontario, to Mr. W. H. Furlong, K. C. with enclosure.

"Toronto, February 24th, 1943.

"Dear Sir:

"I enclose herewith a true copy of the
"document which I have completed and deposited with
"the Clerk of the Legislative Assembly regarding the
"members of the Select Committee inquiring into
"collective bargaining between employers and
"employees.

"Respectfully yours,

(signed) G. D. Conant.

"Mr. W. H. Furlong, K. C.,
"Counsel to the Select Committee
"re Collective Bargaining,
"Parliament Buildings,
"Toronto, Ontario."

(Enclosure)

"TO:

"Major Alex. C. Lewis,
"Clerk of the Legislative Assembly.

"PURSUANT to a resolution passed in the

3

"Legislative Assembly of the Province of Ontario on

"Thursday, February 18th, 1943,-

'That a Select Committee, to be named
'by the Prime Minister, be appointed" for
'the purpose of enquiring into and reporting
'back to this House regarding collective
'bargaining between employers and employees
'in respect to terms and conditions of employ-
'ment. *Also submit the following*

'That said Committee to have authority to
'sit concurrently with the sittings of the
'House and to hold both morning and afternoon
'sessions during any adjournment of the House
'and with power to send for persons, papers
'and things and to examine witnesses under
'oath.'

"I hereby nominate and appoint the following to

"constitute the Select Committee authorized by the

"said resolution,-

"Hon. J. H. Clark, M. P. P.

Chairman

Windsor-Sandwich Riding

"Mr. E. J. Anderson, M. P. P. Welland Riding

"Mr. W. J. Gardhouse, M. P. P. York West Riding

"Mr. J. A. A. Habel, M. P. P. Cochrane North Riding

"Mr. H. L. Hagey, M. P. P. Brantford Riding

"Mr. John Newlands, M. P. P. Hamilton Centre Riding

"Mr. F. R. Oliver, M. P. P. Grey South Riding

"Mr. J. P. MacKay, M. P. P. Hamilton East Riding

"Mr. T. P. Murray, M. P. P. Renfrew South Riding

(signed) G. D. Conant

Premier

"Toronto,

"February 24th, 1943."

Then I wish to file a letter signed by the Prime
Minister, which advises the Committee that I have been
appointed as counsel, and Mr. Finkelman as Adviser to
the Committee.

---EXHIBIT 2: Letter of February 25, 1943 from
Hon. G. D. Conant, Prime Minister of
Ontario, to Hon. James H. Clark, M. P. P.,
Chairman, Select Committee re Collective
Bargaining.

"Toronto, February 25th, 1943.

"Dear Sir:

"This is to advise that to assist and
 "facilitate the work of the Select Committee re
 "Collective Bargaining, Mr. W. H. Furlong, K. C.
 "has been appointed Counsel and Mr. J. Finkelman
 "Adviser to the Committee.

Respectfully yours,

(signed) G. D. Conant

"Hon. James H. Clark, M. P. P.,
 "Chairman,
 "Select Committee re Collective Bargaining,
 "Parliament Buildings,
 "Toronto, Ontario."

Mr. Clark, who was named as Chairman of this
 Committee, is ill and will not be able to be here until
 Tuesday. So that we can proceed with the organization
 I would suggest that this Committee now appoint a
 Vice-Chairman to act in the absence of the Chairman.

MOVED by Mr. Oliver, seconded by Mr. Gardhouse
 that Mr. Hagey act as Vice-Chairman. (Carried)

---(Mr. Hagey then took the Chair)

MR. FURLONG: I am going to now suggest that you
 appoint Mr. Patterson Farmer as Secretary, so he can take
 care of the exhibits.

MOVED by Mr. Gardhouse, seconded by Mr. Anderson
 that Mr. Farmer be appointed Secretary. (carried)

MR. FURLONG: I would suggest that the Committee
 make a declaration at this time that these proceedings
 will be carried on as public proceedings, open to the Press.

MOVED by Mr. Gardhouse, seconded by Mr. Oliver
 that the proceedings of the Committee be public
 and open to the Press.

(Carried)

MR. FURLONG: It will be our purpose, gentlemen, to bring before you a list in consolidated form of the important legislation with regard to collective bargaining wherever it might be in force throughout Canada, the United States and Great Britain. It will take a few days to have that ready, of course, and we could not do it today. I hope to have that ready to file with you by next Tuesday. Therefore, I would suggest that you now fix the date of starting this investigation as next Tuesday morning at eleven a. m. - if that is satisfactory to the Committee.

MR. ANDERSON: I would so move, Mr. Chairman.

MR. MURRAY: I second that. (carried)

MR. FURLONG: The question of hours during which this hearing will take place - in order that we may be able to prepare a list of the witnesses to be heard, and arrange time and place so that they will not wait too long, perhaps some of them from out of town - we do not want them to come here and wait for days to be heard - I would suggest that the hours be from eleven to one, and two to four, and that we confine the hearings, if possible, to Tuesdays, Wednesdays and Thursdays in each week, because a good deal of evidence can be taken in three days during those hours. Then there has to be a good deal of study put in on it, in order to make the proper representations to this Committee. That does not interfere with the Committee's changing that at any time if it sees fit.

To start with I think that would be a proper thing to do.

MR. GARDHOUSE: I will move that the hours be as suggested by counsel, from Tuesdays to Thursdays inclusive, from eleven to one and two to four.

MR. ANDERSON: I would second that. (carried)

MR. FURLONG: The Prime Minister, the Minister of Labour, and also the Chairman of this Committee, have filed letters and requests from different parties who wish to be heard. All of these organizations and persons will be given every opportunity to come here and make their representations in such form as they see fit, either orally or by the filing of briefs. Commencing at eleven o'clock Tuesday morning we will have here the representatives of one of the largest and oldest organizations in Ontario.

Gentlemen, I think that is all we can do at the present time. •

---Whereupon, on motion by Mr. Gardhouse, seconded by Mr. Anderson the Committee adjourned to meet on Tuesday, March 2nd, 1943 at eleven a. m.

THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

Proceedings of Select Committee
regarding Collective Bargaining
between Employers and Employees.

SECOND DAY
MARCH 2 - 1943.

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(PRELIMINARY SESSION)

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THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M. P. P. Windsor-Sandwich Riding
Chairman.

Mr. E.J. Anderson, M. P. P. Welland Riding

Mr. W. J. Gardhouse, M. P. P. York West Riding

Mr. J. A. A. Habel, M. P. P. Cochrane North Riding

Mr. H. L. Hagey, M. P. P. Brantford Riding

Mr. John Newlands, M. P. P. Hamilton Centre Riding

Mr. F. R. Oliver, M. P. P. Grey South Riding

Mr. J. P. Mackay, M. P. P. Hamilton East Riding

Mr. T. P. Murray, M.P.P. Renfrew South Riding

SECOND DAY

In Committee Room No. 1
Parliament Buildings
Toronto

Tuesday, Mar. 2, 1943 at 11:00 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K. C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K. C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D. W. Lang, K. C., Counsel for the Canadian Manufacturers' Association (Ont. Division).

---Mr. F.A. Brewin, Counsel for the United Steel Workers of America.

---And other representatives of various organizations.

THE CHAIRMAN: Gentlemen, we can now call the meeting to order.

MR. FURLONG: Mr. Chairman, I believe there are a number of counsel here that I would like to introduce to the Committee. We have Mr. J.B. Aylesworth, K.C. of Windsor who, I understand, represents the Ford Motor Company, the Chrysler Corporation, General Motors and several other companies. He has a watching brief. Mr. D.W. Lang, representing the Manufacturers' Association. Are there any other counsel here?

MR. BREWIN: I am representing the United Steel Workers of America.

THE CHAIRMAN: Where are you from, Mr. Brewin?

MR. BREWIN: Toronto.

MR. FURLONG: Anybody else?

THE CHAIRMAN: Are there any gentlemen here who are not counsel who are representing any interests?

MR. PAT SULLIVAN: I am representing the Trades & Labour Congress of Canada, Mr. Chairman.

MR. FURLONG: We were rather disappointed today. I had arrangements made by wire with the Trades & Labour Congress, and I think Mr. Sullivan was the man to represent them, to present a brief here today, but yesterday he made known the fact that he was unable to be here for that purpose, and wants that postponed until next

Monday. We had not planned to meet on Monday, but I think the Committee might well decide that point now.

MR. SULLIVAN: Could I give a word of explanation as to the reason why we want delay?

THE CHAIRMAN: Certainly.

MR. SULLIVAN: Your deliberations here will affect organized labour throughout Ontario, and as we represent approximately 764 unions in this Province with a membership of 98,000 men, we feel as a democratic organization that these people should have an opportunity of expressing what they want to bring before you. Therefore, the American Federation of Labour has called a conference for this Sunday, where there will be representatives of all these organizations, and we will elect a committee that will speak for the American Federation of Labour here next Monday. There will be delegates from Fort William, Fort Frances and all over the Province. Some of them will wish to return home if at all possible on Monday night. Therefore, we would like the indulgence of the Committee to meet them on Monday if at all possible.

THE CHAIRMAN: The Committee is agreeable to meeting Monday afternoon at 1.30. We could probably extend the hours longer Monday afternoon, sitting for three or four hours instead of splitting it up, two hours in the morning and two in the afternoon. One-thirty Monday afternoon, Mr. Sullivan.

MR. FURLONG: I propose in view of not having their representatives today to call the Hon. Peter

Heenan first.

HON. PETER HEENAN, Minister of Labour, Sworn.

---EXAMINED BY MR. FURLONG:

Q. Now, Mr. Heenan, you have been Minister of Labour in two governments; first the Dominion Government, between what years? A. 1926 and 1930.

Q. And in the Ontario Government from 1941 to date. Is that right? A. One year and ten months.

Q. And during that time you have had experience with labour difficulties not only throughout Ontario but throughout Canada? A. Yes.

Q. Briefly, what are those difficulties - what is the great difficulty? A. Of course, there are various kinds of disputes, such as disputes over wages and hours of work, but chiefly lately the chief source of dispute has been the question of the recognition of the unions and collective bargaining.

Q. Will you tell the Committee what difficulty you have when you are called in to iron out a dispute even where they have an agreement which is a gentleman's agreement more or less, and follow that up with your experience where you have to get a gentleman's agreement to settle the dispute? A. Where there is an agreement, or where there is a recognition of the rights of the workmen to bargain collectively, the agreement is in existence, it is very easy to get them to compose their difficulties, to agree upon

something. The men in some instances may be asking too much, or the management may not be willing to give as much as they should - there is always a point of contact there, compromise. Where there is no agreement, where employers, we will say, do not recognize trade unions, that is the most difficult case to bargain with collectively - that is the most difficult kind of dispute you can have. Because, on the one hand, you have a union that believes it is speaking for the workers, and yet the employer will not recognize them as such, and it causes confusion. I had better give you an example, without mentioning company names or anyone who was interested, because most of these things, as you know, are all settled. I do not want to go back into the names of companies or men involved. We have had disputes where we have had strikes, and the moment we hear of a strike we send our conciliation officer to see if he can compose the differences. Where there is no union we cannot find anybody but the management to talk to, to tell us the reason for the dispute - the men are asking for this, that and the other. We cannot find any officer of any union to speak to, and we are at a loss to know. We pick out one or two or three fellows and we say, "Can you speak for these employees?" Some of them will volunteer, "Yes, we believe we can. " We take them into the management and reach what we think is a fairly decent settlement, and those one or two men go out to the mass meeting, and the meeting says, "Away with them,

we will elect somebody else," and they pick one or two others out of the crowd, and so it goes on without any response at all. You cannot tell when you are arranging what you think is a reasonable settlement whether the mass meeting will accept it from those volunteers who have not been already chosen from their own midst. Those are the worst kind of disputes we have.

Q. Then if you arrive at a settlement that in your own mind is fair, have you any way, or is there any way in the Province, to enforce that settlement?

A. No, there is no legislation.

Q. Has that been one of the contributing factors to not being able to settle these disputes, the fact that you have no power or machinery with which to enforce the settlement?

A. That is one of the thoughts behind trying to get an enactment, to give us power to settle in a case where there is no agreement.

Q. What about the case where there is an agreement?

A. Well, of course, we have not very much trouble with those. In all plants there are grievances, you know, and you cannot just put your finger on what causes them; for instance, in a strike it is not always what appears on the surface. Men will go on strike because of something, but there are a lot of other things that have been boiling up, grievances that have not been settled, and actually you cannot put your finger on what the cause is. At any rate, where there is an agreement it is fairly easy to settle.

Q. There have been strikes in the Province, though, haven't there, where there has been an agreement, and there has been an arbitration clause, and still there has been a strike? A. Oh, yes.

Q. What is the reason for that?

A. Just what I have been explaining to you.

Q. Is it still lack of machinery?

A. A conglomeration. In the one or two I have in mind there was machinery but it was not used, federal machinery. We have no machinery provincially.

Q. Do you think if machinery were enacted by Act of Parliament it would be an aid to industrial peace?

A. Well, the machinery we have now, the federal machinery we have now, is not up to date so far as war times are concerned. For instance, you can imprison or you can confine men, but when you come to imprison a body of strikers of four, five or ten thousand, it is not getting you very far.

Q. In other words, you cannot call out the army to shoot a thousand men? A. That is right.

THE CHAIRMAN: We have not the jail accommodation to imprison five thousand either, have we?

A. No.

MR. FURLONG: Q. According to what you have told us, it seems to boil down to this, that in all these disputes, when you are called in, or someone from your department, even though you may arrive at a settlement, it is nothing but a gentleman's agreement with no machinery to enforce the agreement or settlement? A. That is right.

Q. And that is the reason this Committee is here to investigate, to see if something can be arrived at to avoid that. Is there anything further you would like to state at this time, Mr. Heenan?

A. I would like to take you through, if the Committee wishes me to, just a few years back, leading up to the present stage where a committee has been appointed. I am not going away back into dark history where unions were formed and collective bargaining was established the hard way. No doubt many of you have read a great deal about that, but it prevailed during the last war and prior to the last war, and the nations that were assembled at Versailles, incorporated a clause known as the Labour Clause in the Treaty of Versailles, known as Part XIII. I will just read you a portion of it, and then we will jump from there to a few years closer to this time.

"ORGANIZATION OF LABOUR

"Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And Whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week,

"the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own country.

THE HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:

(Sgd.) Hon. Chas. J. Doherty,
Minister of Justice

Hon. Arthur L. Sifton,
Minister of Customs

28th June, 1919.

For Canada"

That was June, 1919, and while it is probably not really material, both the political parties of Canada incorporated that in their platform - the Liberals in the 1921 convention, and the Conservatives in 1927.

To indicate what was in the mind of the Government

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...the

of Canada during the last war, it passed an order-in-council, known as P.C. 1743, of the 11th July, 1918 - that is not the 12th July; it is the 11th July.

Q. Pretty close to it though!

A. "The Minister of Labour, representing that industrial unrest during the past few months has become more general than formerly, thus causing serious interruption in some lines of war work, and indications are that it will become more widespread still unless successful efforts be made to check it.

The Minister of Labour, therefore, recommends that the Governor in Council declare the following principles and policies and urge their adoption upon both employers and workmen for the period of the war:

1. That there should be no strike or lockout during the war.
2. That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever, and through their chosen representatives should be permitted and encouraged to negotiate with employers concerning working conditions, rates of pay, or other grievances.
3. That employers shall have the right to organize in associations or groups, and this right shall not be denied or interfered with by workers in any manner whatsoever.
4. That employers should not discharge or refuse to employ workers merely by reason of membership in trade unions or for legitimate trade union activities outside during working hours.
5. That workers in the exercise of their right to organize shall use neither coercion nor intimidation of any kind to influence any person to join their organizations or employers to bargain or deal therewith.

- "6. That in establishments where the union shop exists by an agreement the same shall continue and the union standards as to wages, hours of labour and other conditions of employments shall be maintained."

I did not copy any more than that, because the order-in-council, P.C. 2685, which was enacted during this war, is very similar all the way through. I do not think I should read all this either:

"The Committee, on the recommendation of the Minister of Labour, advise, with respect to the foregoing, that the following principles for the avoidance of labour unrest during the war be approved:-

1. That every effort should be made to speed production by war industries;
2. That fair and reasonable standards of wages and working conditions should be recognized and that where any temporary adjustments in remuneration are made, due to war conditions, they might well be in the form of bonus payments;
3. That hours of work should not be unduly extended but that where increased output is desired it should be secured as far as practicable by the adoption of additional shifts throughout the week, experience during the last war having shown that an undue lengthening of working hours results in excessive fatigue and in a diminution of output;
4. That established safeguards and regulations for the protection of the health and safety of the workers should not be relaxed, but that every precaution should be taken to ensure safe and healthful conditions of work;
5. That there should be no interruption in productive or distributive operations on account of strikes or lockouts. Where any difference arises which cannot be settled by negotiation between the parties, assistance in effecting a settlement should be sought from the Government conciliation services, and failing settlement of the difference in this manner, it should be dealt with in accordance with

"the provisions of the Industrial Disputes Investigation Act, which has been extended under the War Measures Act to apply specifically to all war work;

6. That employees should be free to organize in trade unions, free from any control by employers or their agents. In this connection attention is directed to Section 11 of the provisions of Chapter 30, 3 George VI, an Act to Amend the Criminal Code, under which it is declared to be an offence, subject to prescribed penalties, for any employer or his agent wrongfully and without lawful authority to refuse to employ, or to dismiss from employment, any person because of his membership in a lawful trade union, or to use intimidation to prevent a workman from belonging to a trade union, or to conspire with other employers to do either of such acts;
7. That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement;
8. That every collective agreement should provide machinery for the settlement of disputes arising out of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered;
9. That workers, in the exercise of their right to organize, should use neither coercion nor intimidation of any kind to influence any person to join their organization;
10. That any suspension which may be made of labour conditions established by law, agreement or usage, requisite to the speeding of wartime production, should be brought about by mutual agreement and should be understood as applying only for the period of emergency.

The foregoing declaration by the Government of principles for the regulation of labour conditions during the war is necessarily subject to the

"provisions of any enactment by the Parliament of Canada or made under its authority for the purpose of meeting any special emergency whereby the national safety of Canada has become/endangered.

The Committee further advise that the attention of employers in meeting their requirements as to labour supply be drawn to the available facilities of the local offices of the Employment Service of Canada in all of the provinces, where thousands of skilled and semi-skilled workers whose training and experience qualify them for war work and employment in industry generally have already been registered, and that advantage be taken of this service to the fullest possible extent.

Many employers have established contacts with trade unions in meeting their requirements as to labour supply, and the Minister of Labour is of opinion that the more general adoption of this practice would assist in the avoidance of unnecessary labour shortage."

THE CHAIRMAN: What was that you were reading?

MR. FURLONG: This is P.C. Order 2685, passed by the Dominion Government on June 20, 1940.

Q. May I interrupt, Mr. Heenan, to ask one question? While this is called an order, it is actually nothing more than a declaration of policy?

A. That is right.

Q. And there again there is a lack of machinery?

A. That is right.

Q. Although the war industries have, you might correct me if I am wrong, carried out the principles of that order fairly well?

A. Yes.

Q. And where there have been disputes, on the request of either party for a conciliation board, it has been granted?

A. That is right.

Q. Under the Industrial Disputes Act one party is to be named by the industry, one by the union, and where those two cannot agree on a chairman, the Minister of Labour appoints the Chairman?

A. That is right.

Q. And those three men sit as a conciliation board and hear both sides of the dispute, but all they can do is recommend and not order, and unless they are fortunate enough to obtain an agreement between labour and capital, or employee and employer, then it sometimes is difficult to get a conciliation of the dispute. Have I fairly well set that out, Mr. Heenan?

A. That is right.

Then, realizing, as you have outlined, that it was a declaration of policy only, or some people called it a pious hope, at a meeting of the Regional War Labour Boards and National War Labour Board, called together at Ottawa, equally divided between management and labour, after a full discussion on the whole matter as to how to prevent these disputes, especially over collective bargaining, I moved this, and it is tabled:

"At a conference of the National War Labour Board and the various Regional Boards held in Ottawa on August 14, 1942, it was moved by the Honourable Peter Heenan, Minister of Labour with the concurrence of the Ontario Regional Board, and as Chairman of the Ontario Regional Board he moved seconded by the Honourable L.D. Currie of Nova Scotia, that the following Resolution be adopted:

WHEREAS by P.C. 2685 dated June 19, 1940, His Excellency the Governor General in Council was pleased to establish certain principles for the avoidance of labour unrest during the War;

AND WHEREAS by Section 4 (2) of P.C. 5963, the National War Labour Board is authorized to investigate wage conditions and labour relations in Canada and from time to time make such recommendations as it may deem necessary in connection therewith, having regard to the principles enunciated in P.C. 2685;

AND WHEREAS in the opinion of this Conference some employers and employees throughout the Dominion of Canada have not seen fit to accept the principles established by P.C. 2685, and it is therefore necessary to empower the National War Labour Board and the various Regional Boards to take appropriate action in order to compel the acceptance of the said principles.

THEREFORE BE IT RESOLVED that this Conference is of the opinion that the National Board should request the Governor General in Council to enact pursuant to the War Measures Act an Order in Council which:

- (1) would declare that employers or associations of employers and employees or associations of employees which refuse to accept the principles expressed and enunciated in P.C. 2685, are acting contrary to the public policy of the Dominion of Canada and in a manner which is likely to impede the war effort

- "(2) would authorize the National War Labour Board with respect to National employers, and the Regional Boards with respect to Regional employers within the respective jurisdiction of each such Board to direct any employer or association of employers and any employee or association of employees to do any act or to refrain from doing any act which is contrary to the public policy of Canada as so declared,
- (3) and in particular the Boards be authorized to direct the parties in a particular industrial dispute to enter into negotiations and may compel the parties concerned to formally recognize any trade union, association of employees or committee of employees which such Board may find to be the proper bargaining representatives of any particular group of employees."

When that was presented there was quite a discussion. A good many provinces do not want to give any provincial rights, especially with respect to wages and employment, away, and they figured that a resolution carried unanimously in that way might encourage the Federal Government to trespass too much on provincial territory. So that it was not voted upon but just left on the table for the National War Labour Board to consider, but the consensus was that it was purely provincial, except federal work, federal authority and Crown companies. So it has been left on our doorstep if we wish to do anything in that provincially. It is left on our doorstep, yet the Federal Government did pass P.C. 10802 on December 1st, 1942, authorizing the principle of collective bargaining. I do not know whether you want me to read it or not.

THE CHAIRMAN: I do not see how it is relevant.

WITNESS: I am leading up to the point where it was left on our doorstep, the question of collective

bargaining. They did pass this, however, which provided that employees in federal Crown plants within the provinces should put into force the principle of collective bargaining.

The reason I am so particularly interested in the present situation is this: as I stated at the outset, disputes are growing instead of diminishing, and it is not only the dispute itself but the unrest in plants and industries leading up to the dispute. While you are talking over disputes and grievances sometimes it is more disturbing to a plant than an actual strike. Here is our list of disputes during the calendar year 1942, and the months of January and February of this year, 1943, there have been fifty-two applications for Boards under the Industrial Disputes Investigation Act, asking for collective bargaining - nothing about wages or anything else but collective bargaining, the right to collective bargaining. That involved 49,581 employees. The appointment of inquiry commissioners and boards of conciliation resulted in twenty agreements having been reached.

THE CHAIRMAN: Say that again, Mr. Heenan.

A. The appointment of inquiry commissioners and boards of conciliation resulted in twenty agreements having been reached out of the fifty-two. The balance, thirty-two in number, are either pending yet or have been otherwise disposed of.

Q. How would they be otherwise disposed of if there was not an agreement?

A. We send out

conciliation officers without the necessity of either a commission or board being established, and they get the parties together, and they dispose of the agreements in that way.

Q. That was what was puzzling me and my friend here. Twenty agreements were made, and how many other settlements made by the conciliation officer without boards?

A. Thirty-two.

Q. They were all settled, the whole fifty-two?

A. No, I would not say that. The balance, thirty-two in number, are pending or otherwise disposed of. Some have still their requests in for a board, I do not know just the number.

The number of applications for collective bargaining and boards of conciliation are increasing. We have received, during the months of January and February 1943, seventeen such applications, and our officers are out now trying to get them together without the necessity for setting up a board.

Q. Are those seventeen part of the fifty-two?

A. Those seventeen are part of the fifty-two, yes.

On the other hand, through the efforts of our conciliation officers, we are receiving increasing numbers of joint applications from employers and employees, without the necessity of going to a board or commission or anything else, to take votes in their plants, in their industry, to determine a collective bargaining agency.

From the 1st of January, 1942, up to and including the 31st day of December, 1942, there were a total of 83 strikes involving 27,248 employees with time lost in man working days of 171,442 - working days lost.

MR. AYLESWORTH: I do not wish to interrupt, but I think it would be interesting, if Mr. Heenan has it available, to give the Committee the number of such applications for the taking of a vote in a plant in order to establish a bargaining agency, because a great number of these things have been disposed of in that way.

THE CHAIRMAN: Have you got that, Mr. Heenan?

A. You mean the number we have had within a given time?

MR. AYLESWORTH: Yes; in 1942, for instance, or any period. Your department might have statistics. The point I am making, gentlemen, is, I think perhaps it is common knowledge - certainly it is within the knowledge of a number of us - that in very many instances indeed, where recognition is sought by the collective bargaining agency in any particular plant that the employer takes the position that he is quite willing to abide as to recognition by the wish of the majority of his employees concerned, and so a request is made to Mr. Heenan's department for the holding of a vote by secret ballot in the plant to determine the wishes of the employees. So I thought it would be of interest if the Honourable the Minister had it available, to inform the Committee of how many requests for

recognition in the Province had been disposed of in that amicable fashion.

WITNESS: I have not got the exact number here. Do not forget that I am under oath.

MR. AYLESWORTH: I understand that.

WITNESS: We will get you that - in fact, I should have had it. The fact is that we are having continually increasing numbers of employers and employees jointly asking for a vote to be taken to determine the bargaining agency. I do not want to go into that, because that is not always a pleasant picture to go into. The reason we have had votes taken upon a joint application of the employers and employees and the bargaining agency determined - these votes are taken the same as you take them at an election, they are secret votes - we have known employers to circulate a petition to see whether or not they voted right, and the boss going around with a petition, what is a man to do but sign it? So it is not all harmony, but eventually we will get those people together again.

Some of these strikes were caused because of by the federal department delay in reaching conclusions as to whether or not a commissioner would be appointed or a board of conciliation would be established, and the men just did not wait, because there is quite a little red tape. The men make an application, and there are so many days; that has to be sent to the management, and it has so many days to reply, and the Minister has so many days,

and during a period like this when men are working in the heat every day, overtime and everything else, they just get irritable and they say, "That law is no good for us," and they just break loose, and a good many of these strikes have occurred in that way. The Industrial Disputes Act was enacted under peaceful conditions, and I am not so sure that it is conducive to the best stability in industry today, for this reason: we will say that a representative of employees, a union, applies for a board; he has to say that there will be a strike if a board is not granted, he has to take an affidavit to that effect. Consequently, he takes a vote of his men at the beginning of these conciliation methods to determine whether the men will strike if they do not get a board. So they approach conciliation with a clenched fist immediately, and while there might be a lot to it in peace times, and I am not so sure, it is no way to have in war times that men have to vote. You know, sometimes men will vote for a strike and they have been assured that there is going to be no strike - "We want you to vote for a strike so we can apply for a board." They go about their business in the heat of the furnaces and other things, and they wonder when the strike is going to be called they have just voted for, and bother the life out of the union leaders. If we had had Provincial Legislation in the form of a Collective Bargaining Act as has been suggested, quicker action would have been taken and final settlement of disputes and threatened

stoppages of work or strikes would have been prevented. I am not saying they might have been; I am saying they would have been prevented.

I might also say that only during the wartime years can we use the Industrial Disputes Investigation Act, and not in peacetime, so we have to give consideration to peacetime as well as wartime, because all industries mentioned above involved in labour disputes are engaged in the manufacture of war materials and were brought under the Industrial Disputes Investigation Act as a war measure, and this cannot be applied in peacetime. That is one point I would like this Committee to take under consideration, that you are not legislating now for wartime; you are legislating as well for peacetime, and if it is going to be helpful in peacetime, so it should be helpful in war period.

As I said above, there is no provincial legislation at the present time which enables the Department of Labour to cope with labour disputes centering on collective bargaining as required in this day and this age.

This (some further typewritten information) may be of interest to the Committee. I may find something in this, Mr. Aylesworth, to answer your question. In 1942 there were 18 arbitrations involving wages or working conditions handled and brought to finality by our conciliation officers.

Conciliation officers supervised the taking of votes in 30 different plants for the purpose of

determining the collective bargaining agency in each case.

I think perhaps that answers your question.

"Reinstatement of employees." There has been some number of employees dismissed because they belonged to a union or tried to form a union, and under P.C. 4020, many employees, wrongfully discharged, were reinstated in their place of employment through our Conciliation service, some of those reinstated were paid for the time lost. Again I would like not to go into the number. I haven't it here, but I did not ask for the number.

Fifty-eight settlements of labour disputes over wages and working conditions, without loss of time, were brought about by our Conciliation Officers.

Of the 9 conciliation boards established in 1942, 7 recommended that employers and employees involved in the disputes should enter into a collective labour agreement. In all instances these recommendations were carried out with the assistance of our conciliation officers. In other words, 7 out of the 9 boards recommended that the employers and employees enter into agreements. The reason I say, with the assistance of our conciliation officers, they were not accepted just at the time the board made their recommendations, so we sent our conciliation officers in to persuade both parties to accept the recommendation of the board.

This is not very important but, our conciliation officers have handled 460 cases dealing with wages and

cost of living bonus for the Regional War Labour Board.

I do not need to go into all the Acts of the provinces that we have, except I would like to leave this memorandum with you; it contains my own thoughts, and if you do, as I hope you do, propose some kind of a bargaining bill you might not overlook these particular points:

"Re: Proposed Collective Bargaining Legislation"

1. Trade unions and associations of employees are considered to be unlawful associations in this Province, and the Bill should accordingly remove this stigma of illegality, which I understand still exists because the common law in this Province is still the same as it was in England in 1867.
2. As soon as the trade union is made a lawful association by special legislation the question then arises as to whether the trade union should be subject to the laws of this country which have been enacted since 1867, and to the common law itself.
3. Trade unions generally fear that they will be subjected to law suits and legal proceedings by powerful employers and associations of employers, and therefore ask that some special protection be given to them in this connection.
4. I would suggest, therefore that the Bill provide that trade unions receive in this Province as much protection from law suits and legal proceedings generally as they have received in England.
5. Some legislative pronouncement or enactment seems necessary in order to make it clear to certain employers that they must negotiate and bargain with whatever representatives their employees have selected to act for them.
6. I hold the view that the Province having jurisdiction over wages, hours of work and working conditions generally, can validly legislate with respect to this matter.
7. If the Province has jurisdiction, I think that any measure should provide a penalty for employers who refuse to negotiate in good faith with whatever

"representatives their employees have selected to bargain collectively for them.

8. There are other practices in industry incidental to collective bargaining which should be prohibited. I mention a few as follows -

- (a) - an employer should not be allowed to discharge or discriminate against employees who have joined a union or who have requested collective bargaining.
- (b) - an employer should not be allowed to influence his employees in their choice of their bargaining representatives, and should not be allowed to set up company unions or establish plant councils unless they are requested by the employees, and chosen by them in a bona fide way.
- (c) - the employer should not be allowed to enter into "Yellow Dog" contracts, that is agreements in which the employees undertake not to become members of a trade union.

9. The Bill should provide that every collective agreement hereafter made shall contain appropriate provisions for the arbitration of differences arising out of the agreement itself.

10. The Bill should provide for settling disputes amongst employees as to the identity of the collective bargaining agency which is to represent them; and in drafting any such provisions careful attention should be given to the rights of groups of employees who, by reason of their particular trade or art, belong to or desire to belong to a craft union.

11. The procedure to be followed in determining the bargaining agency, that is the taking of votes, the secrecy of the ballots, the majority required, and any general rules governing such an election, should receive very careful attention.

12. There should also be provision for right of entry to the employer's establishment, for the examination of his books, and for the examination of the books of the trade union or unions involved, by representatives of the Department of Labour which presumably would administer any Bill which is enacted.

13. I think it is important also to provide that any proceedings taken by the administrator of the

"Act should not be subject to review in the Courts. I have no objection, however, to a provision which would enable the administrator to submit to the Court for an opinion, any question of law which might arise in the administration of the Act."

I have covered what I thought should be said; Mr. Chairman, unless you have any questions to ask.

MR. AYLESWORTH: Mr. Chairman, I would think it most helpful if a copy of Mr. Heenan's summation, as it were, were made available at once to the representatives of the Press, at least so that proper publicity can be given to it, and, ^{so} that all particularly interested in the matter, whether they be here or not, can get an outline of what is in the Honourable the Minister's mind before this Committee.

THE CHAIRMAN: I think that is so.

MR. FURLONG: I think this should be filed as an exhibit.

---EXHIBIT 3: Proposal re Collective Bargaining Legislation (13 paragraphs) by the Honourable the Minister of Labour.

MR. FURLONG: Q. Before you go, Mr. Heenan, I would like you to tell the Committee briefly what a collective bargaining agreement is. To make it brief - check me if I am wrong - it is an agreement made on behalf of a number of employees by a bargaining agent which provides the terms of employment. Is that briefly what it is? A. Yes.

Q. And generally includes a clause whereby both parties submit their disputes to arbitration?

A. Yes.

MR. BREWIN: I am wondering if there will be an opportunity given to those who are represented here to ask the Minister one or two questions about the statement. I do not know that this is the right time to do so. I am assured my clients were most interested and impressed by what Mr. Heenan said. There are one or two points that could probably be elucidated by a few questions, if the Minister would like to answer them.

THE CHAIRMAN: As I understand it, that is what this Committee is here for, to get out all the facts. I haven't any objection at all to any of the interested parties asking the Minister any questions they like.

MR. BREWIN: Would you, Mr. Heenan, like to answer them now, or some other time?

WITNESS: Any time most suitable to you.

THE CHAIRMAN: Whom did you say you were representing, Mr. Brewin?

MR. BREWIN: The United Steel Workers of America. They are one of the largest trade unions in this Province, and are affiliated with the Canadian Congress of Labour as well as in the United States, where they are affiliated with the C.I.O. I would like just to ask Mr. Heenan one or two questions that bring out what he is saying. First of all, I would like to ask him, for the benefit of myself and the Committee, whether the Department of Labour has drafted or had drafted any ~~and~~ legislation that sets out the principles in this last memorandum (Exhibit 3) he finished with, because

it seemed to me that it would be very helpful to all of us, if there was such a draft, if we could see it and then make our representations about it.

MR. FURLONG: May I say that that is the business of this Committee, to investigate into Collective Bargaining and to report, and there will not be any Bill until such time as the Committee has finished its investigation. Then if it sees fit to report that a bill should be drawn, it will probably recommend the terms of that Bill, and it will be introduced in the House.

MR. BREWIN: It was just my suggestion that something in the nature of a draft had been prepared.

WITNESS: If you did that, you would not be investigating the principle of Collective Bargaining; you would spend all your time tearing this Bill to pieces.

MR. BREWIN: I think it would be helpful if we had something we could deal with. However, if that is not available there is no point in my pursuing it. Another thing I wanted to ask you about was, what did you envisage as to the machinery that would enforce this Collective Bargaining? You spoke of a penalty being imposed, and you read at one time that it should not be subject to the courts except as to questions of law. Did you envisage the setting up of a board or something of that sort that could investigate these matters, and would have some power to enforce its decision?

WITNESS: I think you got me wrong when you said I suggested we should not go to court. The administration of the Act should not be taken to court. I would suggest myself, if I were going to be Minister of Labour for a thousand or more years, that the Bill be built around the Minister of Labour, and that he have the power of different things - I think it should be, other than there should be a labour relationship court, and there are others to provide a standing board of arbitration, but the labour men that have been before me prefer it should be built about the Minister of Labour, that he have a deciding voice in all these things except the penalties, and those should go to the court.

Q. I am suggesting to you, and I would like to get your comment on this, that in the United States there was not any effective procedure by which employers, obstinate employers, could be brought into collective bargaining relations with their employees, until the Wagner Act in 1933 set up a board which was composed of experienced and able people, who were able to understand all these matters and deal with them, rather than just leaving it to penalties and courts. Do you not agree with that?

A. You are asking my opinion now. Do not forget I am still under oath. Those are matters, Mr. Brewin, I think should be brought out by the representatives of labour. Many of them I know have had many years of experience in these disputes, and they no

doubt have made up their own minds as to what kind of court or body it should be left to. Then there will be the employers of labour, we will have their views. I would not like to give my views on that preceding theirs.

Q. Could I not get you to go this far, that any procedure which is merely applied through the courts would be extremely difficult for employees to carry out; for example, they would have to go before a magistrate; they would have to take time off from their work to do so. We all know that it would be subject to tremendous difficulties for them to proceed through the ordinary methods of the courts. Therefore, I am suggesting that from your experience as Minister of Labour you can probably tell this Committee that there are real difficulties about that, that make it an inadequate protection merely to have a penalty for refusal to bargain collectively that can be enforced by summary conviction in the courts. Wouldn't you agree with me about that?

A. No matter which way you take it, there are obstacles and difficulties in the way. You cannot have your bread buttered on both sides all the time.

Q. You will not go so far as to agree with me?

A. Not just now. I am hoping before the end of the proceedings - because I have only given you what I think is essential to the beginning of the inquiry - I hope you will call me again and give me an opportunity after I have heard other evidence.

THE CHAIRMAN: We will be glad to.

MR. BREWIN: I will not pursue the matter then. As I understood from you, the real problem is that there is a minority of employers who still do not want to accept collective bargaining. Is that right?

A. I am glad you brought that question up, because I forgot to say that they are the minority of employers. The great bulk of employers in this Province do recognize the men collectively and would not do without them.

Q. And the purpose of this legislation you propose would be to see that that minority would be compelled by legislation to accept the representatives of their employees, and another one of the main problems would be to find out who were the proper representatives of the employees, and we would have to have legislation?

A. That is right.

Q. Another thing you said - I may not have got it down correctly - when you spoke of other practices that should be prohibited, you spoke of company unions. Am I right in suggesting that one of the problems is the formation or control by employers in some cases of the organizations of their employees so that they are not generally independent and in a position to bargain as man to man, shall we say? Is that correct?

A. Yes.

Q. So you probably agree with me that any legislation that is going to effectively deal with this problem must provide that all company unions,

in whatever guise they may be, and however they may be defined, shall not be permitted to stand as obstacles to genuine collective bargaining?

A. My idea about the whole thing, Mr. Brewin, is based on freedom of association. If the employees want any kind of union, no matter what name it is called by, that is the union they should obtain, free from influence by the employer. If the majority of the men request their employers that they want a union, that is the kind of union that they should establish.

MR. MACKAY: Mr. Chairman, I think this would be an opportune moment for the Minister of Labour to give you, if possible, a definition of a company union and a definition of a shop union. There are differences of opinion on that. I would like to get his opinion on it.

WITNESS: I don't know why you pick me.

MR. MACKAY: Well, you are under oath.

WITNESS: It is hard for the ordinary man to understand - it is hard for those who are in the business all the time to understand, because it is not so much that the union is what somebody calls it, or has nicknamed it by that description. All unions are good, there are none bad, even the so-called company union is good, but does not compare with the independent union. A company union, as we understand it, is one in which the employer or management sets up a union, he is part and parcel^{of} the union. To give

you an illustration - some of you may guess where it is - only recently where the employees were getting a little unruly, wanted to form a union, the employer walked into the establishment one day, called them away from their work, set up a table and said, "Now, you fellows want a union; I am going to give you a union." He acted as Chairman. He said, "Who will nominate the President?" Well, there was nobody nominated for president just there and then. He said, "I think so and so would be a good fellow. Anybody second that?" "Yes, I will second that." "All right, that is carried. That is the President." And so on, all the way down, the officials of the union were appointed in that way.

MR. NEWLANDS: How many unions do you know of that have been appointed in that way?

A. That is the most blandish one I have known of.

THE CHAIRMAN: Is that the only one you know?

A. That is the only one that was done in that way. There are other ways more polished: "If you fellows want a union, let us set up a union, and the company will finance the whole thing, provide the secretary and keep the minutes of the union." Some of the company's officials are actually on the board, on the grievance board. Of course, you must not think that in all of its activities of trades unionism they discuss wages and grievances all the time. Very often the employer gets a lot of suggestions that are useful in the matter of production. Take our two great railways

today; they would not do without trade unions for anything. Many of the improvements of the last ten, fifteen, twenty years have been made at the suggestion of the employees, and they like to make them. Perhaps not more than half the time would be taken up with grievances.

At any rate, a company union is a union, as I understand it, in which the company officials sit in as part of the union. It is financed by the company - the hall, the literature and writing material; the minutes are kept by officers of the company, at least, some of the official staff, and so on. Under those conditions one would hardly think that that committee could take up grievances seriously. I will give you an illustration: in the Old Country they started with Whitney Councils, if you will remember. They were the bugbear for a long time. They were management and men mixed up together. They established one in Cape Breton in the steel works. I made a trip down there after I became Minister of Labour. We had heard in the House of Commons, and all up and down, that this was an ideal situation. I went down there on another case altogether; it happened to be the coal miners I had to go down to see. When I got there this committee wanted to see me.

THE CHAIRMAN: What committee?

A. The committee of the steel workers' so-called Whitney Council or Shopcraft. They asked me for God's sake to do something to get them out of that, to get

71 them into a regular union. Of course, I asked what the trouble was. They said, "The management is sitting on it, and when we go in we never get a chance to talk of our grievances. They ask if we cannot improve on this and improve on that part of the factory, and couldn't we do this and that. The meeting is closed and we go on out." They had no opportunity of taking grievances up, and they could not with the officials of the company sitting there.

I do not know whether I am answering the question. If I am it is taking me a long time. A company union is a union dominated or financed by the officials of the company, and that is not freedom of association.

THE CHAIRMAN: Does that apply in every case of company union?

MR. AYLESWORTH: No. The Minister I think was defining what he had in mind in answer to a question by one of the Committee, as to what the phrase "company union" really means.

MR. NEWLANDS: What is a shop union?

THE CHAIRMAN: May I continue that for my own information? The description you gave of a company union, does that apply in every company union?

MR. AYLESWORTH: Not in every so-called.

WITNESS: Those are the only kind of unions we call company unions.

MR. NEWLANDS: Then there is a shop union.

THE CHAIRMAN: That is what you term a company

union, the one you have described, where the union is dominated by the company? A. Yes.

Q. My friend Mr. Newlands wants to know what you call a shop union? A. I want to go back again and tell you we are just practically in growing pains in this country so far as unionism is concerned. Say in some particular shop or industry they want a union, and they go to the management and say they want a union; the management says, "All right, you can have a union. Go ahead and select your own committee. I will listen to them. I will do business with them." But it is a committee of their own employees in their own shop without any interference by anyone else.

MR. BREWIN: There is one question I wanted to ask more. Your idea, Mr. Heenan, I take it is, then, that any legislation that is going to establish real collective bargaining must provide for not allowing a company union as you have defined it to come in and fill the place. Is that right?

A. Unless the employees want it.

Q. I take it though if the employees wish to be dominated by the employer, it is not freedom of organization at all. A. I would not tolerate any kind of union that was dominated or financed by a company.

Q. I think we are at cross purposes. What I have in mind is this: you are saying the employees may desire to be represented, not by an international union but by the employees of a particular plant? A. Yes.

Q. Nevertheless, if that decision is arrived at by reason of pressure or domination on the part of the employer, then that is something that has to be dealt with. You do not get a free choice if there is any pressure.

A. I think if you caught my remark there, I said I would not tolerate any kind of union that was dominated or financed by a company.

Q. And therefore the legislation must deal with that problem to be effective, because you will agree with me that, for instance, in the United States in 1933 there was a tremendous growth of trade unions by reason of the passing of the N.L.R.A., was there not?

A. Yes.

Q. And because of the growth of unionism many employers formed company unions at that time, did they not?

A. That is right.

Q. And the National Labour Relations Act - in 1935 I think it was passed - was passed actually to deal with that very problem of the formation of company unions as a means of avoiding genuine collective bargaining. Do you agree with that?

A. Yes.

Q. And there would be a danger if we were to enact collective bargaining legislation in this country, if we did not look after the company union, that the same process would develop. Do you agree with that?

A. Yes.

Q. I am glad you mentioned it, because I think perhaps the Committee would like to have it brought out from someone of your experience, that the value of collective bargaining goes far beyond the mere avoidance

of strikes. If you have a collective bargaining agency that is working with the employer on good relations with him, that results in such things as increased production, does it not? A. Surely.

Q. So the purpose of collective bargaining in trade unionism is not merely to secure advantages with regard to wages, but goes much further than that to establish, as it were, an industrial partnership?

74 A. It makes the employee feel he is part of the industry.

Q. It has a psychological value partly to get better work, better results, because they feel it is part of their show. Is that right?

A. That is right.

Q. I was interested in your reference to the resolution that you say was passed August 15, 1942 by the conference of Regional War Labour Boards.

MR. AYLESWORTH: He did not say it was passed; he said it was tabled.

WITNESS: It was proposed by myself and seconded by --

MR. BREWIN: Q. The purpose of that was to give the War Labour Boards the power to direct employers to bargain collectively?

A. That is right, the Regional War Labour Boards and the National War Labour Board.

Q. Had you contemplated in that resolution what would happen if they did not do so?

A. Yes, we had appropriate penalties.

Q. The determination of whom they should bargain

with would be left with the labour board?

A. That is right.

Q. The phrase I caught, you said, ^{that} they be given the power to direct the employer or employees to do any act or refrain from doing any contrary to the government policy as outlined in P.C. 2685?

A. That is right.

. In other words, there should be no stoppages of work, no strikes, no lockouts.

Q. I was interested in that because it seemed to me it came quite near to the type of legislation that might be required, particularly in wartime. With that you would be giving a board of qualified people, some of whom represented organized labour, some of whom represented the employers, and no doubt a government-appointed one - you would be giving them the right to investigate the matter and direct that certain things be done in accordance with the general policy?

A. That is right.

Q. Is it your feeling that at the present time that type of legislation or direction would be most effective to deal with the problem?

A. It is very desirable, only there is no one to enact it except Ottawa.

Q. You will agree with me I think that any legislation that is passed must provide for a prompt solution of the question of who is to be the bargaining agency. If there is any loophole for long delay or legal proceedings, or difficulties of that sort, it

will not meet the problem you have outlined?

A. No, it must be prompt.

THE CHAIRMAN: Have you any questions, Mr. Sullivan, you want to ask the witness?

MR. SULLIVAN: No.

THE CHAIRMAN: Have you, Mr. Aylesworth?

MR. AYLESWORTH: I do not think there are any questions at this stage, Mr. Chairman, that I would like to address to the Honourable the Minister. There is an observation I should like to make to the Committee if I may.

THE CHAIRMAN: Very good.

MR. AYLESWORTH: It seems to me from what the Minister has said that it is abundantly apparent it is a minority only of the industry in this Province which refuses to recognize the will with respect to collective bargaining of the majority of its employees. That being so, if that is a fair statement the Minister has made, it really suggests itself to me that the orderly function of this Committee would be somewhat as follows: first, to inquire into the existing situation and machinery with respect to collective bargaining. Bear in mind that this is a time of war, and that while in times of peace the jurisdiction over civil matters such as this rests in the Province, in times such as the present there is what might be referred to as overriding legislation on the part of the Federal Government. There is also public sentiment, the weight of public opinion and a declaration of policy by the

Federal Government. And so, it suggests itself to me that this Committee might usefully at the very outset of its duties have brought out before it from proper sources, and I have no doubt such plans have been made, just what is the necessity or desirability or otherwise of compulsory collective bargaining machinery in the Province.

Then when the Committee considers it is adequately informed on the facts to enable it to deal with that question, and if the Committee decides that it is either necessary or desirable to have some form of compulsory collective bargaining legislation in the Province, then I think the Committee would be primarily interested in exploring the principles on which such legislation should proceed, and it should be interested in what exceptions, if any, to the application of such legislation should be made.

(Continued on page 48).

For instance, are we to have compulsory collective bargaining with domestic servants, with agricultural employees, with employees of the provincial government, with employees of municipal bodies or municipal authorities and the like? Also I would think it important that this Committee formulate an opinion on what controls, if any, should be set up to safeguard employee, employer and the public with respect to the actions or the operations and functioning of collective bargaining agencies upon whom compulsory benefits are bestowed. I think when these principles have been studied by this Committee, then, and only then, will this very capable Committee be in a position to formulate recommendations to the Government; first, as to whether or not there is at this time, in all the circumstances, a real need for compulsory collective bargaining; second, if so, the scope and application of that compulsion, what classes of employment it will apply to; and third, what controls, if any, truly should be imposed upon collective bargaining agencies concurrently with the bestowing of compulsory benefits or advantages upon them.

I do not know if the learned counsel for the Committee has in his own mind formulated anything like that procedure or not, but having had some experience in these matters, they suggest themselves to me as being very pertinent questions that the Committee would be interested in at some stage or other before it came to its conclusion.

THE CHAIRMAN: I think we would all be interested in these points, and I think probably you should present the views of your clients along those very lines to this Committee. We will probably have divergent views from the trades and labour congresses.

MR. FURLONG: We have decided to follow that line,

Mr. Chairman.

MR. AYLESWORTH: I will be quite willing to express the views of my clients at the appropriate time. In order properly to do so, however, I think it will be apparent that, inasmuch as those I represent are not the parties seeking the legislation, in order to present our views and to be constructive at all, I must hear the views of those various parties who seek the legislation. Because I would like to make this abundantly plain to the Committee right now with respect to those whom I represent, who are employers, that as employers they do not quarrel at all with the principle of proper collective bargaining. They do ask the question, and that is perhaps why I am here, to find out whether or not on proper inquiry, with the revealing of all the facts, there is or is not a necessity or desirability at this time for the Province to enact legislation for compulsory collective bargaining. And when that is determined, if it is determined, that there is such a necessity, then my clients wish to be as constructive as they can be, to help this Committee bring out the facts, and to enable the Committee to decide upon what sound principles any such legislation should proceed.

THE CHAIRMAN: I think that is very fair.

MR. FURLONG: On that point, Mr. Chairman, that would have been brought out more clearly today, had we been fortunate enough to have the brief for the trade unions. Tomorrow Mr. Mosher will be here, and he will be questioned along those lines in order to bring

that out.

THE CHAIRMAN: Have you any further questions to ask the Minister, Mr. Furlong?

MR. FURLONG: I want to ask the Minister this one question with regard to a company union:

Q. Do you think that there should be legislation barring a company union if a vote is taken in a plant, and the employees vote overwhelmingly in favour of that union? A. No. If you did that you would abandon the freedom of association.

THE CHAIRMAN: Any questions you want to ask the Minister while he is here, Mr. Lang?

MR. LANG: No, Mr. Chairman. At the moment I am thinking of you and the other members of your Committee. If we are to go on on this basis, I think we should know it now. What I am getting at is this: Conceivably I might have asked the Minister questions but I doubt the wisdom of it at this stage. I had in mind the time that may be consumed if on every occasion when the Minister or someone else makes a submission, all the lawyers present are going to be asking questions. If they are, I would like to join in the throng. It strikes me as a matter of time, which is precious these days, if that goes on we may be here till midsummer.

THE CHAIRMAN: I do not agree with you there, Mr. Lang. I do not think there has been any overlapping this morning. I think we can leave it to the good judgment of counsel not to do any overlapping.

MR. LANG: I am not suggesting that, Mr. Chairman,

for a moment. I am thinking of the future of the proceedings, and how we are to divide our time if this is to be gone on with by examination of lawyers other than counsel for the Committee.

THE CHAIRMAN: I think we will not waste much time.

WITNESS: I would like to amend my last answer. My answer was that that would be denying the employees freedom of association if they were overwhelmingly in favour of a company union. I would like to amend that by saying, so long as it is not dominated or financed by the company's officials.

MR. MACKAY: Mr. Minister, who would take up the vote in that particular instance?

WITNESS: I am hoping if you bring in a Bill, and I hope you will, that the Minister of Labour would be responsible for taking the vote. I probably should have said, if a vote or secret ballot was properly taken and the employess voted for the company union, then they should not be told they could not join that company union.

MR. AYLESWORTH: As I understood the honourable the Minister, I think he made his position abundantly plain. He says just as long as a vote by secret ballot is properly supervised and taken, and is an expression of the majority of the employees, any such secret ballot should be given effect to, whether it be in favour of a so called company union, a so called shop union or a so called international union, whatever it may be.

WITNESS: That is right.

MR. SULLIVAN: Mr. Chairman, if we are going to have a battery of lawyers cross-examining any witnesses that

come up here - we in the organized trade union movement I think can hold our own, we are not worrying about that - I feel the same as Mr. Lang, that we are going to waste

a lot of time. Another point I would like to make clear, my friend over at the press table (Mr. Aylesworth) stated this was Labour's battle. If you have come here to consider a Bill at all, I think we should have it presented and put on the table. I think the Committee was established through one or two statements that were made by the former Premier of this Province, Mr. Hepburn. He stated that he intended to introduce at this session of the Legislature a Bill guaranteeing the right to bargain collectively. Then on the 29th January Premier Conant made the same statement. I think myself we are getting a little mixed up here, because it is not the Trades and Labour Congress of Canada or a C. I. O. Bill that is coming up here; it is a Bill that was supposed to be introduced by the Government. That is what we are supposed to be about here - there was supposed to be a Bill at this session. I do not see what could have been arrived at if the Trades and Labour Congress had had a brief ready this morning. I think after the statement of the honourable minister that we will be able to bring in something really constructive, but I think we should decide right now that any questions that are going to be asked should be asked through the lawyer for the Committee itself, or you are liable to have a hundred unions in this town coming in here - God knows there are plenty of them - with lawyers, and we will be here not only till the middle of the summer but until this time next year. I think

if anybody has any questions to ask they should be submitted in writing to the lawyer for the Committee, and he can introduce them.

MR. BREWIN: Might I make a remark about that, Mr. Chairman, because it was my questions that seemed to provoke this discussion? I certainly do not want to waste the time of the Committee. I came up here with the purpose of being helpful. The Minister made an excellent statement of what he has in mind, and I was anxious to assist the Committee by elucidating one or two points. It is not my intention nor the intention of my clients, a very large and important trade union particularly affected by this matter, because it happens to be in a field of industrial unionism which is expanding and likely to continue to expand, and which will meet most of the opposition, if there is any opposition, that the Minister spoke of, to waste a lot of time. As to most of the witnesses I will be very happy to let their statements go. I felt when the Minister of Labour of this Province was before this Committee it would be a great pity to let him go without elucidating a few important points, because, after all, the responsibility rests with the Government in the ultimate analysis, and the Minister has had a very wide experience. Speaking for myself - I do not speak for any other counsel who may be here - I certainly do not intend to indulge in long cross-examinations, and I am quite prepared to say that generally speaking I do not intend to examine the witnesses at all. I will be quite content to see what

goes on and be of help to the Committee. I do not think the Committee will object to counsel interjecting one or two questions that may be helpful. I quite see the force of what Mr. Sullivan has said, but I still think the Committee can use its discretion, and if it finds the questions are getting overly long or burdensome, or not honestly helping them, I am sure I, for one, will be glad to be stopped and told not to go on.

THE CHAIRMAN: I think from the experience we have had this morning that no time was wasted. I think the questions asked by Mr. Brewin and the observations made by Mr. Aylesworth, as well as the questions asked by Mr. Furlong, have been productive of information. I do not see how we will save time, Mr. Sullivan, by having Mr. Brewin or Mr. Aylesworth sit down and write the questions and hand them to Mr. Furlong, and then have Mr. Furlong get up and ask them.

MR. SULLIVAN: The point I was trying to bring out - I know at least fifty organizations in Toronto that want to appear before this Committee. If each one of them brings in a lawyer a can see where we will have to move upstairs and take the Assembly Room, and we will need half of that for lawyers alone. If they make it brief and to the point, anything they want to bring out, all right.

THE CHAIRMAN: We will get along.

MR. FURLONG: I was going to suggest the Committee might make a ruling now to the effect that when any

organization is presenting its brief it should not be interrupted by cross-examination, and then the matter of being permitted to question be dealt with at each time by this Committee.

THE CHAIRMAN: Yes, the Committee will be quite capable of doing so. All we want are the facts, and we will get them if you give us a little time. Some of the questions asked by some members of the Committee have been very helpful this morning and brought out information. Do any other Committee members want to ask the witness anything before he goes temporarily? (No response)

MR. FURLONG: Mr. Chairman, it is now almost one o'clock, and the next witness is Mr. Finkelman. I think probably it would not be wise to call him for ten minutes and then adjourn. I am going to suggest we adjourn now and reconvene at two o'clock.

THE CHAIRMAN: All right, the Committee stands adjourned until two o'clock.

---Adjourned at 12;50 until 2;00 p. m.

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TUESDAY, MARCH 2, 1943.

AFTERNOON SESSION.

---On resuming at 2 p.m.

THE CHAIRMAN: All right, gentlemen, you will please come to order. Mr. Furlong?

MR. FURLONG: Mr. Chairman, at this time I am going to ask Mr. Finkelman to take the witness stand in order to make a statement with regard to the scope of federal legislation relating to trade unions and their activities and the field available for legislative action by the province.

Mr. Finkelman, will you please take the stand?

JACOB FINKELMAN, sworn.

THE WITNESS: Am I sworn to tell the truth about the law too?

THE CHAIRMAN: Your opinion.

EXAMINED BY MR. FURLONG:

Q. Mr. Finkelman, you are, I understand, a professor now with the University of Toronto?

A. That is right.

Q. Your business is that of teaching labour laws in law school?

A. Yes, that is right.

Q. How long have you been a professor with that school?

A. I have been on the staff of the university since 1930.

Q. You are a graduate of Osgoode Hall, Toronto?

A. And of the university.

Q. The study and teaching of labour laws is your job? A. Yes.

Q. Have you prepared a memorandum dealing with the scope of federal legislation relating to trade unions and their activities and the field available for legislative action by the province of Ontario? A. Yes, I have.

Q. Will you proceed with that, please?

A. Federal legislation in respect of trade unions and their activities may be dealt with under four headings:

- (1) Provisions of the Criminal Code;
- (2) The Trade Unions Act;
- (3) Conciliation legislation;
- (4) Legislation under the War Measures Act.

First of all, as to the provisions of the Criminal Code, the Criminal Code, of course, deals with the criminal aspect of picketing, it prohibits the breaking of certain employment contracts which affect public safety and convenience and it gives to employees a measure of protection against criminal liability for conspiracy. By an amendment enacted in 1939, the Code makes it an offence for an employer wrongfully and without lawful authority to discriminate against an employee solely on the ground that he is a member of a trade union, or to seek by intimidation to compel an employee to abstain from belonging to a trade union.

In addition, trade unions of employees or workmen are exempt from the combines and anti-

trust provisions of the Code, so long as they are acting for their own reasonable protection as such workmen or employees. There is a similar provision which appears in the Combines Investigation Act.

We now come to the Trade Unions Act. In 1872, the Parliament of Canada passed the Trade Union Act which was patterned on the British Trade Union Act of 1871. This Act deals generally with the legal position of trade unions, the registration of trade unions, protection of trade union funds and property and so on. The courts have intimated in a number of cases that this Act is ultra vires of the Dominion. There are at least three cases on that; one in the Supreme Court of Canada and two in the courts of Ontario. However, that may be the Act is of slight importance, since it is made applicable only to trade unions registered thereunder and only thirty-three trade unions in all have availed themselves of the right of registration. As a matter of fact, in so far as the matters dealt with in this Act fall within the jurisdiction of the Dominion to legislate in respect of criminal law, they are now covered by provisions of the Criminal Code, so that if a trade union does not register under the Act it still enjoys the same privileges as a trade union which does register.

Dealing with the third heading of conciliation legislation, in 1907 the Parliament of Canada passed the Industrial Disputes Investigation Act. The industries affected by the Act were

mining, agencies of transportation and communications, public service utilities, including railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; disputes relating to railways might also be dealt with under the provisions of the Conciliation and Labour Act. In 1925, the Judicial Committee of the Privy Council, in the case of Snider vs. Toronto Electric Commissioners, 1925, Appeal Cases, 396, declared the Act to be ultra vires of the Dominion -- that is, the Industrial Disputes Investigation Act -- and the Act was thereupon amended to bring it within the competence of the Dominion. At the present time, although the Act still applies to the same type of industries and undertakings as before -- that is to say, it is still confined to mining, agencies of transportation and communications and public service utilities -- such industries and undertakings are governed by the Act only if they come within one or other of the following provisions:

First of all, they constitute works and undertakings within the legislative authority of the Parliament of Canada;

Secondly, they constitute works and undertakings which are not within the exclusive legislative authority of any province;

Thirdly, they are involved in disputes which the Governor-in-Council by reason of any real or

apprehended national emergency declares to be subject to the provisions of the Act;

Fourthly, in the case of industries which are within the exclusive legislative jurisdiction of a province, there is provincial legislation making them subject to the provisions of the Act.

That is to say, these provincial industries do not come under the Act unless there is concurrent provincial legislation. As a matter of fact, in Ontario, in 1932, the Legislative Assembly passed the Industrial Disputes Investigation Act, bringing provincial industries, or those industries which are within provincial jurisdiction, under the Dominion Act, and I will have something to say about that in a moment.

To avoid misapprehension, it should be borne in mind that concurrent legislation by the province under the last head mentioned above does not make the Dominion Industrial Disputes Investigation Act applicable to all industries within the province, but only to those types of industries which are covered by the Act -- that is to say mining, public utilities and so on. In addition, the Industrial Disputes Investigation Act -- that is, the Dominion Act -- in Section 64, provides that, in the event of a dispute arising in any industry or trade other than such as may be included under its provisions, the parties may render themselves subject to the Act by mutual agreement in writing and that, upon such agreement being filed, all the terms of the Act should

apply to such industry or trade. In view of the definition sections of the Act, it would seem that the industries or trades referred to in Section 64 of the Dominion Act would have to be of the same type as those covered by the other provisions of the Act, namely, mining and public utilities. That is my submission, because of the definition of the word "employer" and the Act says that it applies only to disputes between employers and employees. Going back to the definition section of "employer" we find the Act applies only to employers conducting industries to which I have already referred. On the other hand, if the intention of parliament was to cover a wider group of industries, it is submitted that the provisions would in a great many instances affect industries which fall within the exclusive legislative jurisdiction of the province. In these circumstances, the consent of the parties cannot give jurisdiction to the Dominion, and the Act can be made to apply to such industries only if there is concurrent legislation by the province. In any event, the Act would apply to such industries only if the consent of both parties were obtained and not otherwise. Indeed, there is some doubt as to whether a province can by concurrent legislation do what the Act of the federal parliament seeks to permit them to do. In other words, recent cases suggest that such legislation may be outside the jurisdiction of a provincial legislature. To complete the picture we should note at this point

that railway disputes may also be dealt with under the Conciliation and Labour Act, which will be discussed later.

The Industrial Disputes Investigation Act does not outlaw strikes and lockouts. It merely provides that where a dispute arises in an industry to which the Act applies, no strike or lockout should take place until a board of conciliation and investigation has had an opportunity to look into the facts with a view to reconciling the parties and in default thereof to report to the Minister the facts and circumstances of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. The parties to a dispute may agree in writing to be bound by the recommendation of the board, and in such an event the recommendation may, on the application of either party, be made a rule of court, and it is enforceable in like manner. Although the Act is somewhat vague on the point, it would appear that, in such an event, a strike or lockout in contravention of the recommendation would be illegal. In all other instances, however, there is no legal obligation on either party to accept the recommendation of the board, and there is no legal sanction provided by the Act for their failure or refusal to accept the recommendations. Consequently, although pending the report of a board strikes and lockouts are prohibited, nevertheless, after the board has reported, the parties are free to take such action as they deem fit, and there is no

restriction upon their right to strike or to declare a lockout.

Another weapon in the armoury of the federal Department of Labour for dealing with industrial disputes is the Conciliation and Labour Act. Under this Act, the Minister of Labour has authority to seek to resolve differences between any railway employer and railway employees where it appears to him that the parties to the difference are unable satisfactorily to adjust the same, and that by reason of such difference remaining unadjusted a railway lockout or strike has been or is likely to be caused, or the regular and safe transportation of mails, passengers and freight has been or may be interrupted, or the safety of any person employed on a railway train or car has been or is likely to be endangered. The machinery which the Minister may establish for that purpose is a committee of conciliation, mediation and investigation. If this committee fails in its endeavours to conciliate the parties, the Minister may appoint a board of arbitrators. Such a board is required to investigate all the facts and circumstances connected with the difference and to make a report to the Minister setting forth the cause of the difference, and the board's recommendation with a view to its removal and the prevention of its recurrence. While the Conciliation and Labour Act, itself, does not prohibit strikes or lockouts, nevertheless, the Industrial Disputes Investigation

Act takes care of the situation by prohibiting such action being taken prior to and during a conference of a railway dispute under the terms of the Conciliation and Labour Act. Apparently after the board of arbitrators has reported, the restriction on the right to strike or to declare a lockout is removed.

In connection with disputes other than railway disputes, the Conciliation and Labour Act authorizes the Minister to exercise all or any of the following powers:

- (a) To enquire into the causes and circumstances of the dispute;
- (b) To take such steps as to him seem expedient, for the purpose of enabling the parties to the dispute to meet together by themselves or their representatives under the presidency of a chairman mutually agreed upon or nominated by him, or by some other person or body, with a view to the amicable settlement of the dispute;
- (c) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, to appoint a conciliator; and
- (d) On the application of both parties to the dispute, to appoint an arbitrator.

However, the Act places no restriction on strikes

or lockouts in the last mentioned industries even while the enquiries or negotiations are in progress.

We now come to the legislation which might be called the war legislation -- that is, the legislation which was enacted by the Dominion by Order-in-Council under the War Measures Act. Shortly after the outbreak of the war, or more precisely, on November 7th, 1939, the federal government passed an Order-in-Council, P. C. 3495, extending the operation of the Industrial Disputes Investigation Act to disputes between employers and employees engaged in the construction, execution, production, repairing, manufacture, transportation, storage and delivery of munitions of war and supplies, and in respect also of the construction, remodelling, repair and demolition of defence projects as defined in the Order. The Order defines the terms "munitions of war and supplies, and defence projects." I will not trouble the committee with those interpretations now. I can give them to you if you so desire. This simply brought all those industries under the Industrial Disputes Investigation Act. It did not set up any new machinery. The machinery of the Act itself proved inadequate to deal with the numerous requests for boards of conciliation and investigation during a period when trade unions were engaged in an intensive organizational campaign. To meet the situation, Order-in-Council, P. C. 4020, setting up an Industrial Disputes Enquiry Commission, was passed on June 6th, 1941. This Order

has been amended on a number of occasions, but substantially it is still the same. This Order enables the Minister to authorize an Industrial Disputes Enquiry Commissioner -- a sort of trouble-shooter -- to make a preliminary investigation in any instance where a strike has occurred or seems to the Minister to be imminent, whether or not an application has been made for the establishment of a board of conciliation and investigation. If the commissioner is unable to effect a settlement of the dispute to the mutual satisfaction of the parties, he is required to advise the Minister on the matter at issue and whether the circumstances warrant the appointment of a board of conciliation and investigation. May I interject at this point that the commissioner is not supposed to make any comment on the merits of the case while he is pursuing his investigation? Apparently he is to be tongue-tied. The normal course in such an event is for the Minister to appoint a board, and the matter is dealt with thereafter in the same manner as any other dispute which comes under the Industrial Disputes Investigation Act. The restriction upon the right to strike and to declare a lockup provided for by the Industrial Disputes Investigation Act is extended over the period during which the Industrial Disputes Enquiry Commissioner pursues his investigation.

The Order-in-Council also confers upon the Minister power to direct the Commissioner to look

into any allegation that a person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union, or that any person has been improperly coerced or has been intimidated to induce him to join a trade union. If the commissioner is unable to effect a settlement in such a case, he must forthwith report his findings and recommendations to the Minister. In dealing with a matter of this sort, however, the Minister's authority is much more extensive than in other cases. In this case he is empowered to issue whatever order he deems necessary to effect the recommendations of the commissioner, and his order is final and binding upon the employer and employees and any other person concerned.

By the latest amendment of this order passed on January 19th, 1943, the Minister may appoint an Industrial Disputes Enquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. Upon the commission reporting its findings and recommendations to the Minister, the latter may take such steps as he deems necessary and desirable to effect such recommendations. It is noteworthy that in this connection the Order-in-Council does not declare that the Minister may make an order to effect the recommendations of the commission and that such order should be final and binding. That was the situation in connection with the reinstatement of

a person found to be improperly discharged or discriminated against. The language here is different, and it is rather difficult to know just how far the Minister is empowered to go under this amending provision in carrying out the recommendations of the board.

A further restriction upon the right to strike in the case of those industries which are covered by the Industrial Disputes Investigation Act as extended to war industries by Order-in-Council 3495 of November 7th, 1939, was imposed by Order-in-Council P. C. 7307 of September 16th, 1941. Now, just let us get back to the original situation, for a moment, under the Act. As we have already seen, after a board of conciliation and investigation under the Industrial Disputes Investigation Act is reported the parties are free, or were free, to take whatever action they saw fit. The present Order-in-Council -- that is, P. C. 7307 -- declares that after a board has reported a strike can take place only if certain specified steps have been taken. The steps are as follows: If the employees desire to go on strike after they have received a certified copy of the report of the board, they must so notify the Minister. Then, upon receipt of such notification, if the Minister is of the opinion that a cessation of work would interfere with the efficient prosecution of the war, he may direct that a strike vote be taken under the supervision of the Department of Labour subject to such provisions, conditions,

restrictions and stipulations as he may make or impose. The vote must be taken within five days after the Minister receives the notice that the employees desire to take a strike vote. The persons entitled to participate in the voting are all the employees who in the opinion of the Minister are affected by the dispute. Unless a majority of the ballot of those entitled to vote are cast in favour of a strike it is unlawful for any employee to go on strike. On the other hand, if a proper majority votes in favour of a strike, the Order does not restrict the right of the employees in any way.

On June 19th, 1940, the federal government issued a statement of government policy regarding labour in the form of an Order-in-Council, P. C. 2685, to which the Minister of Labour referred this morning. This Order declares that employees should be free to organize in trade unions free from any control by employers or their agents, that employees through the officers of their trade union, or through other representatives chosen by them should be free to negotiate with employers, and that collective agreements should provide machinery for settlement of disputes. However, this Order-in-Council establishes no machinery for enforcement, and it contains no legal sanction. Consequently, in so far as the law is concerned, it amounts to no more than a benevolent expression of good will.

When I prepared this memorandum I overlooked one

Order-in-Council, namely, an Order-in-Council to which the Minister of Labour referred this morning, P. C. 10802 of the 1st of December, 1942, permitting collective bargaining by employees of crown companies.

That summary covers the field which has been occupied by the Dominion. We come now to consideration of the field which is left to the province. It is obvious that those aspects of labour law which lie within the domain of criminal law have been assigned by the British North America Act of 1867 exclusively to the Dominion. Again, since federal public works, and what are referred to as crown companies, lie within the exclusive competence of the Dominion, it follows that labour legislation, whether criminal or civil, affecting such works also belongs to the Dominion. A similar situation obtains in the case of those railways, steamships, telegraph and telephone lines and works declared to be for the general advantage of Canada or of two or more of its provinces which are within Dominion jurisdiction. Now, by decision of the Judicial Committee of the Privy Council, radio also lies within the sphere of the Dominion. In the main, the balance of what is usually referred to as labour legislation is assigned to the provinces since it constitutes legislation in relation to property and civil rights in the province. To some extent, we have specific judicial authority for such a submission. Thus, in 1937, the Judicial Committee of the Privy Council declared that

such matters as hours of labour and minimum wages fell within the provincial sphere. Similarly, Sir Lyman Duff, Chief Justice, then Mr. Justice Duff, in the case of *Chase vs. Starr*, 1924, Supreme Court Reports, 495, at page 507, expressed doubt as to the validity of Section 32 of the Dominion Trades Union Act because it infringed the jurisdiction of the provinces. His doubts have been repeated not only with respect to that clause but as to the whole Act by the Ontario court in at least two instances. These decisions are bolstered by the whole trend of the jurisprudence of the Judicial Committee of the Privy Council in interpreting the British North America Act, 1867, and there is little doubt that the provincial legislature is fully competent to enact legislation covering those aspects of collective bargaining which have been dealt with by the other provinces of Canada. Thus, for example, the legislature of Ontario could deal with the status of trade unions, the right of employees to organize and to bargain collectively, collective bargaining machinery, arbitration of industrial disputes and related matters.

Now, the question may arise, however, as to the extent to which the Dominion has occupied the field by virtue of its emergency powers in time of war. In this connection it is submitted that an adequate collective bargaining measure could be enacted by the legislature of Ontario to operate side by side with the various Orders-in-Council discussed above.

In general, these Orders are merely ancilliary to the processes of collective bargaining; they do not make collective bargaining a component element in industrial relations. Thus, for example, if a collective bargaining measure enacted that an employer should bargain collectively in good faith with his employees, such a provision could in no way be regarded as infringing any statute or Order-in-Council of the Dominion. Similarly, a provision relating to the arbitration of industrial disputes would of necessity prevent a strike or lockout occurring in an industry and consequently the industrial dispute machinery of the Dominion would not affect that industry so long as the provincial Act was being observed. It would be possible to give further ^{is} examples, but it/unnecessary to labour the point. In conclusion, I am submitting that the Legislative Assembly of Ontario has full jurisdiction to enact an adequate collective bargaining measure.

MR. MACKAY: Q. Dealing with the last question, you say that the Legislative Assembly of Ontario has full jurisdiction to enact an adequate collective bargaining measure. They equally have the right to put in penalties?

A. Certainly, they have power to enact penalties to enforce the observance of any provincial contract. They have just as much power to impose penalties in such a case as you have to impose penalties under the Highway Traffic Act.

MR. FURLONG: Mr. Chairman, I had hoped to be

able to give each member of the committee a consolidation of the Acts of other provinces in order to show what they have done is more or less in line with what Mr. Finkelman has told you to-day, but that involves a lot of work and I am afraid it is not going to be ready until to-morrow, or probably the next day. We will proceed with Mr. Finkelman's evidence, giving you a brief summary of each one of those Acts in order that we may have it briefly, rather than to read the whole Act. By giving you the book you will be able to read it at night, or at least I hope so.

THE CHAIRMAN: A digest of the collective bargaining legislation, just in the province?

MR. FURLONG: A little digest in the front, of each Act, with the index in the front.

THE CHAIRMAN: Does it extend to the United Kingdom, Australia and New Zealand?

MR. FURLONG: Yes. It will when we have it completed. I thought I would give you what we had first.

I would like to ask Mr. Finkelman a couple of questions with regard to unions, which may come up later.

My first question is, what are the objections which unions ordinarily have to incorporation?

A. I think the best way I could answer that would be by reading the comments of the Solicitor General for Great Britain during a debate in the House of Commons on the occasion of the introduction of the Trade Disputes Act of 1906. There was argument ad-

vanced that trade unions should be incorporated, and this was his reply:

"Let us apply this test fairly to trade unions as compared with other corporate organizations. It will be obvious to all that, if trade unions are to be made subject to action, if they are to be put under the liabilities attaching to incorporation, they must also have the privileges of incorporation. They must be entitled to bring actions to enforce contracts upon which their very legal existence is founded, they must be entitled to bring action to enforce contracts between a union and each of its members. I do not know whether hon. Members opposite are quite willing to embrace that doctrine in all its consequences. It would, of course, be a novel and monstrous doctrine to say that there should exist under our law an organization which is to be liable to suits against it as if it were an incorporated body and yet not be allowed to enforce its legal contract against its own members. What would be said if these gentlemen who sent out this circular from the employers' associations were told that there must be a sort of limited liability company devised which should be subject to all rights of action on the part of third persons or anybody else, but which should not be allowed to sue its own members for calls? It might

have its own exchequer depleted by the action which might be brought against it and yet not be entitled to turn round and sue its members on their contract in order to replenish its depleted exchequer. Why, everybody would say that that was not only an injustice, but a monstrous absurdity. But let hon. Gentlemen who demand equality take note of the fact that the position, which I have described as hypothetical in regard to limited companies is precisely the position that trade unions occupy under recent decisions."

There was a decision in 1901 of the House of Lords in the Taff-Vale case which settled that trade unions had acquired what is known as a quasi-corporate status; that is, that they were a sort of corporation, and that was the result of the British Trade Union Act of 1871.

Going on with the statement of the Solicitor General:

"If you want equality there are only two ways by which it can be achieved. You must either, as some people desire, incorporate trade unions, putting them under all liabilities of action and endowing them with right of action, or you must give them neither the right nor the liabilities of action. For my own part, I find it difficult to defend any intermediate proposition. If we, following the love of compromise so dear to us all -- or which, whether

we love it or not, becomes a habit by force of circumstances -- seek for some middle course we shall probably find ourselves adopting a course which is not legally defensible, which will give rise to complaints either of privilege or oppression, according to the point of view."

That sets out the objections to incorporation. Some of the effects which incorporation would have if it were in force are given further on here, if it should interest the committee. I do not know whether or not it would.

Q. Did they in Great Britain give them corporate status? A. When the Act of 1871 -- that is, the Trade Union Act -- was passed, the general opinion was that the Act had not conferred any corporate status upon trade unions. Then, in 1901, the House of Lords, as I said a moment ago, in the Taff-Vale case, decided that the unions had a quasi-corporate status, and the result of that decision was that in 1906 the Trade Disputes Act of that year was passed which, in fact, while it left them with this quasi-corporate status, relieved them of all liability to suit for tort. So, the corporate status has no effect on their liabilities.

Q. In other words, that restricts them, to some extent, from being sued? A. Well, it probably goes much further than that, because, if I may just read the section, Section 4 of the Trade Disputes Act of 1906:

"An action against the trade unions whether of workmen, or masters or against any members or officials thereof on behalf of themselves and of other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be maintained by any court."

Q. That would not exclude a criminal court for any criminal act? A. Oh, no; that is reserved.

Q. Generally speaking, the contract, as we now it now, between a union and an employer, is not enforceable in law. Will you deal with that for a moment, please?

A. I am afraid that has to do with one of the books I forgot to bring down, but there is a decision of the Judicial Committee of the Privy Council, I think about 1931, which declares that a collective labour agreement is not an agreement which is enforceable in a court of law, and it says specifically that the only way of enforcing such an agreement is by a strike. That is not my conception of the case, but that is the opinion of the Judicial Committee.

Q. And, therefore, a union must be given some status and some law must be enacted to provide for the enforceability of the contract before that could be done?

A. If you desired the enforceability of a collective labour agreement, you would have to pass legislation to that effect. As a matter of fact,

you would probably have to go much further. At the present moment a trade union is not an entity known to the law, so, unless you gave it some right, some capacity to sue or be sued there would be no way of suing it. There would be no way of getting it before the courts at all.

Q. And the reason for that is that there are many provisions, I take it, in the ordinary collective bargaining agreement, which are deemed to be in restraint of trade, thereby making it illegal? Is that not right?

A. That may be true in a collective agreement. That was one of the objections which Mr. Justice Raney raised to the collective agreement in the case of Polakoff vs. Winters Garment Co. That was in 1928, I believe.

MR. FURLONG: Mr. Chairman, that is as far as I am prepared to go to-day, unless the members of this committee see fit to ask Mr. Finkelman questions.

THE CHAIRMAN: Any questions, gentlemen?

Have any of the counsel here any questions?

MR. NEWLANDS: Q. If you bring in this legislation, dealing with collective bargaining, as far as our government is concerned, there is no way in which we can enforce the unions to carry it out?

A. You mean under the legislation as of to-day?

Q. Yes. A. That is right.

Q. We would have to bring in other legislation to cover that point. A. Yes.

MR. OLIVER: Q. Are unions incorporated in any

province in Canada? A. In the province of Quebec, but in none of the common law provinces.

MR. AYLESWORTH: Q. Through you, or the committee counsel, I would like, Mr. Finkelman, for you to either now or later bring out whether or not in point of fact there is compulsory collective bargaining legislation in Great Britain?

THE CHAIRMAN: Q. Mr. Finkelman, can you tell us that?

A. The answer is that there is no compulsory collective bargaining legislation in Great Britain in times of peace. There is an Order-in-Council -- and I have not it with me to-day -- which deals with the situation in time of war. There is no legislation in time of peace.

MR. HAGEY: Q. Is there any explanation of why they are so advanced there in their labour legislation?

A. The explanation seems to be that no employer would care to refuse to bargain collectively. I think that explains it entirely. I have seen statements, as a matter of fact, by reputable authorities -- and I believe the statement was read in the House on the occasion of this matter being referred to the committee by one of the members of the House, that no employer in Great Britain -- the average employer in Great Britain would not deal with non-unionists. I think my memory is correct on that. I am not quite sure.

MR. LASKIN: I am representing the Amalgamated Clothing Workers of America.

THE CHAIRMAN: What are your initials?

MR. LASKIN: B. Laskin, Mr. Chairman.

As I say, I am representing the Amalgamated Clothing Workers of America, an organization which has 3,500 members in this locality, and the International Ladies' Garment Workers Union, an organization having 2,000 members in this locality. I am interested in having Prof. Finkelman amplify the type of dispute, give us some information about the type of dispute with which boards of conciliation under the Industrial Disputes Investigation Act have generally dealt. We would like to get some idea as to the nature of the dispute which has come before that type of board. I think it is more important to know about that now because, in view of the extended jurisdiction under the Industrial Disputes Investigation Act, you can get a clearer picture for our purposes in England of the grievances with which this committee might deal.

THE WITNESS: I cannot give any statement based on practical experience. I can only give a statement based on the interpretation of the term "dispute" in the Industrial Disputes Investigation Act. If that is what Mr. Laskin seeks, I can do that.

Q. No; I would like to know from you whether from either your experience or your knowledge you have any idea of with what the dispute deals. Does it deal with wages, hours, collective bargaining, closed shop, preferential shop, discrimination, and so on?

A. I think there have been commiss-

ions on every one of the problems you have mentioned. Mr. Heenan could probably give you more complete information about the number of or particulars in respect of disputes. I know that all those disputes have definitely come before these boards.

Q. You do not know what the major activity of the boards has been? A. Since the war began, I would say that the bulk of the boards which have been appointed have dealt with various aspects of collective bargaining.

MR. BREWIN: Q. Mr. Finkelman, on this question of compulsory incorporation, there is no law of compulsory incorporation in regard to other forms of organization? I mean, can you think of any examples? Nobody who goes in business has to be incorporated? A. No, I think you are right on that.

THE CHAIRMAN: A trust company does.

THE WITNESS: Yes; and, banks.

THE CHAIRMAN: And banks.

THE WITNESS: And mortgage and loan companies.

MR. BREWIN: And insurance companies.

Q. But the ordinary company, the ordinary business, does not have to be incorporated?

A. No.

Q. So, in a sense, it would put trade unions on the same basis as banks and trust companies?

A. Yes. Mr. Furlong reminds me that partner-

ships have to be registered. I am afraid that is not a question with which I am acquainted.

Q. Now, you have spoken of the war-time legislation in England. I wonder if you have any more on that. You spoke of it being ordinarily constituted, and you spoke of it in war time. Can you enlarge on it, dealing with the question of recognition?

A. I have not it with me, and I would not care to go into that without my book in front of me.

Q. It is my impression, and perhaps you can confirm it, that there is a good deal of legislation by Order-in-Council in England during war time which presupposes a recognition of the representatives of the employees.

A. Well, I think it would be fair to say that all English legislation dealing with trade unions or trade disputes since 1871 at any rate presupposes their effective organization.

Q. I wonder if you can give us a little more, switching to another subject. You told us of the Taff-Vale decision. Was it acceptable to labour that they should be incorporated, or was it the subject of a good deal of trouble in England for a number of years until it was repealed?

A. Well, it certainly caused a great deal of trouble. There was a Royal Commission appointed in 1903. Labour was so incensed about the matter that it refused to have any part or parcel of the commission. In 1906, the government brought in a

bill and the trade unions brought in their own bill. As a matter of fact, the Attorney-General, Sir John Walton, when introducing the new bill on that point, had this to say:

"A construction has been given to the legislation of 1871 and 1875 which, while it manifests a great desire to check abuse of power on the part of these organizations, has also seriously curtailed their usefulness and efficiency. A scope has been given to the law of conspiracy so loose and so wide that it is impossible to indicate beforehand what may be the legal character of the conduct of these organizations, and it is determined by the ex post facto decision of a legal tribunal. The undoubted right of legal persuasion has been cut down to the point of extinction. Funds which have been contributed largely for the purpose of provision against sickness or misfortune, or want of employment, have been held liable to meet claims which have rested upon repudiated acts of unauthorized officials. The result of this state of things has been to create a feeling of insecurity and a sense of injustice."

Q. So, I am right in putting it in this way, that in England by reason of a decision of the House of Lords in 1901 it was held that registered trade unions were in the position of incorporated bodies and were suable and that was followed by several years of agitation and a feeling of disturbance on the part of the

British Trade Unions, and eventually that was remedied by the passing of the Trade and Disputes Act of 1906?

A. That is right.

Q. In fact, my recollection of it is that it was that issue that largely helped to bring the trade unions directly in politics, and there were quite a number of labour representatives elected in 1906. Do you recall that?

A. Yes. I think that is right. That was one of the major issues in the election of that year.

Q. So, as far as this committee is concerned, it has the benefit of Great Britain having had this experience between 1901 and 1906 as to the effect on trade unions of incorporation and what they felt about it, and, as you say, there was a Royal Commission dealing with the subject, and finally parliament changed the law so no longer they were in that position because they felt the burden of incorporation was greater than was fair to ask them to bear. Does that put it properly?

A. Yes, I think so.

Q. I do not think there is anything else I want to ask you. It is my understanding there is no other witness, so I am going on a little longer than I would otherwise.

The decision of the Privy Council to which you referred goes beyond the question of the legality in that, as I understand it, the arrangement was not entitled to be legally enforceable, that it was merely something which was to be enforced by mutual pressure.

A. I think that is right, but I would like to look

at the report. I intended to bring it down but forgot.

Q. I desire to ask you with respect to the decision of Mr. Justice Raney in 1927 -- and I think you call it the Polakoff decision, if I remember rightly -- whether it has been overruled or whether, as far as you know, Mr. Finkelman, it still represents the law in this province. It has been judicially commented on. I ask you that because the decision went a long way in saying that not only was collective bargaining legislation unenforceable but that so far as civil questions were concerned --

A. I would have to make certain comments in respect of that case before I could answer. You made the statement that a trade union is an illegal conspiracy in restraint of trade. That is a ghost the English courts have been trying to lay, I think, for seventy-five years. There is no such thing at common law since 1825 as an illegal conspiracy in restraint of trade. That is, a combination of persons in restraint of trade is not criminal. That has been so at least since 1825, although there are dicta in the courts, in the judgments which suggest that may be so, but the courts have decided both the Crown Cases Reserved and the House of Lords have held that restraint of trade is not criminal. So that, trade unions in Ontario, while they are still generally referred to as unlawful, are not illegal. That is to say, they are not criminal organizations of any sort, shape or description.

Now, as to whether their unlawful character is

still in effect, my answer would be that Mr. Justice Baney's decision is the decision of one judge.

There is a decision of the Court of Manitoba in the case of Chase vs. Starr, I believe, in 1924, in which they took a different view. For the benefit of the committee, if I may, with your permission, Mr. Chairman, I will explain that in a little more detail.

There is a doctrine going back for a good many years that if you impose by agreement any restriction upon another person's freedom to work or to carry on business and so on, that is restraint of trade. That restraint of trade seems to be, as far as the courts are concerned, against public policy. That rule has been gradually relaxed, but in relaxing that rule the courts never seem to have considered the position of trade unions, and they have regarded them as having objects in restraint of trade -- or, at least, let me put it this way: They have taken the attitude that any restriction of the by-laws of the trade unions which prevent the person from taking any job, working at any wages he sees fit, the object is in restraint of trade, and therefore it is unlawful in the sense not that it is criminal but that the courts will not lend their support to enforce those objects, to carry those objects into legislation. The effect of that doctrine is that a trade union in Ontario to-day cannot sue at all. That does not mean 100% of trade unions, but I would say 99% of trade unions at least would fall under that doctrine. If a trade union sues in the courts to-day the person sued can come back and say "Your

objects are in restraint of trade. Therefore you cannot be heard." It would mean if the officer in charge of the trade union funds decided to take a little holiday instead of handling the union funds in a proper way the court could not help a trade union to recover those funds. If a trade union took a lease that lease would not be of any value to the trade union, because the landlord could refuse to carry on. Any wrong committed against the trade union itself would not be redressable in the courts. I think that is the point which Mr. Brewin made.

MR. AYLESWORTH: Or one committed by the trade union.

THE WITNESS: Oh, no. I am afraid I would have to differ with you on that, because if you were to sue the trade union it does not lie in the mouth of the trade union to say "We are unlawful." It does in the case of a contract. On the civil side, yes, but that would apply only, for instance, in a case in which you are trying to enforce a benefit policy. However, where you brought an action against the trade union for an unlawful contract it would not lie in the mouth of the trade union to set up its own illegality or its own unlawfulness.

MR. AYLESWORTH: Q. Or where you brought an action to enforce its unlawfulness? A. Yes.

HON. MR. HEENAN: Q. You told the committee that there is no such thing in peace-time in Great Britain as a compulsory piece of legislation governing collective bargaining, because there is no necessity

for it; it is generally accepted. Then you went on to point out that during war time, however, there was no restriction on regulations by Order-in-Council.

THE CHAIRMAN: We cannot hear you.

MR. HEENAN: There were some restrictive measures during war time in Great Britain, and would it not be after consultation and in co-operation with the labour movement of Great Britain that the government enacts this legislation?

A. I think in the normal course of events no labour legislation is introduced in Great Britain today without consultation by both parties.

Q. They agree to restrict themselves?

A. Yes.

MR. HABEL: Q. Is there collective bargaining legislation in Australia and New Zealand?

A. Yes. I have not the legislation before me, but I hope to get you a memorandum on that later.

MR. OLIVER: Q. Is it compulsory in Australia and New Zealand?

A. I prefer not to answer that question at the moment until I have further opportunity to study the legislation.

Q. There is not any legislation, anywhere, which makes collective agreements enforceable?

A. Not in Canada.

Q. Or in the United States?

A. Or, in the United States, as far as I am aware.

Q. Or in England? A. Oh, no, they are not enforceable in England.

Q. Or in Australia?

A. I do not know

whether there is any legislation which makes collective agreements enforceable.

THE CHAIRMAN: If they are not enforceable, what is the use of having them?

A. Here I may rely on experience I have had other than in the cloistered halls of the university. I have acted as arbitrator for the needle trades in Toronto for something over six years now. I am appointed by both parties -- that is, the employers and employees -- pursuant to the terms of their collective agreements. Those agreements are enforceable agreements. They cannot be enforced in the courts, but as far as the agreement in the Men's Clothing industry is concerned, that has been in force for twenty years and during that time, and long before my time, there has never been a strike. All disputes have been settled by arbitration.

Dealing with the other two industries for which I act I cannot tell you as much about their past history. One has had collective bargaining agreements since about 1919. They have had arbitration machinery for five or six years. The other one is new. It never had any collective bargaining agreement, as far as I am aware, before I came on the scene. In none of these three industries has there been a strike during my tenure of office. I have issued orders of all sorts. I have even issued orders where the parties are unable to effect a settlement. Rather than fight it out between themselves, as is usually the case, they have referred the

clauses to me which are in dispute between the parties and which they have not been able to settle. The last example/^{of}which I think has not been disposed of yet. In the cloak and suit industry in Toronto they have all but one clause settled. They have made arrangements for some celebration on a Saturday to celebrate the conclusion of their agreement. Friday afternoon they stumbled over this clause. They came to me and I could not reconcile them. I said "Gentlemen, I propose you put it into my hands, and I propose that you put into your agreement the clause which shall govern you and that it shall be such a clause as I will devise." I have been too busy to work it out. If a dispute arose on that particular clause I would have to arbitrate on what I was supposed to say some time ago. But, they still agree to be bound by my decision.

Q. Does that answer my question fully?

A. Well, I can just, as a practical matter, give you my experience, and it is not an isolated instance.

MR. FURLONG: As far as I have been able to ascertain, these agreements are more or less in the form of treaties, like the Versailles treaty. If anybody wishes to go to war they can go to war.

THE CHAIRMAN: And scrap the paper.

MR. FURLONG: Yes.

MR. AYLESWORTH: It would seem to me, from my study of this matter, and in view of what the professor has said, I would like to put the question

now and see if he does not agree with this general statement of what the situation is, namely, that in England and here you have in Ontario the matter of whether there shall or shall not be collective bargaining left to the good sense of the parties, themselves, greatly influenced, no doubt, by the weight of public opinion, that when those agreements in fact are concluded -- and there are a great many of them in Ontario, as we all know -- they are really in the nature of mutual understandings between labour and management as to the carrying out of certain things of common interest to both of them and are not in any sense of the word legally enforceable contracts. They are expressions of intention, mutual intention, and are so proceeded with. It is true that in a very great many instances among other provisions in such documents is a provision for the appointment of an impartial umpire, or for the appointment of an arbitrator, and it is equally true that where such a provision does not occur in a particular agreement when trouble ensues very often the parties agree there and then to the appointment of an umpire or a referee and agree that his decision shall be final and binding upon the parties; but if, even after all that, sir, one or the other of the parties refuses to implement their word, it is still in the same position -- it is not enforceable. So, in England, and to-day in this province, the authorities have not seen fit, other than by the force of public opinion and the good sense of the parties, and the progress

or the times, to compel by compulsory legislation on the point the entering into of agreements which, by the same token, no authorities are prepared to make legally enforceable and binding. They have chosen not to make it compulsory to enter into such arrangements. I think they have been greatly influenced in not doing so by reason of the fact that one of the entities to those agreements, namely, the bargaining agency, is not an entity known to the law and is not suable, so they do not introduce the compulsory feature but leave it to the good sense of the parties and the weight of public opinion. I was wondering if Mr. Finkelman would agree with me that that is the general position with which we are confronted to-day on this question of compulsory bargaining.

THE CHAIRMAN: Q. Do you agree with Mr. Aylesworth that is a fair presentation of the existing condition?

A. I would like to see that statement in writing and examine it before answering it. Without expressing any agreement with that statement I may be prepared to express agreement or disagreement at the next session.

Before I go on, the Hon. Mr. Heenan has just reminded me that the railway agreements have been going on for a great many years and affect hundreds and thousands of employees in this country and in the United States, and while they are not enforceable they are not legally binding, but nevertheless they have always been lived up to by both sides.

Q. Then, it gets down to good faith on the part

of both sides? A. Desire on both sides to carry it into effect.

Returning to Mr. Aylesworth's question, and there is a Latin expression which covers it, although I cannot think of it at the moment, I am afraid I cannot quite agree with his logic. His argument is that the agreements are not enforceable because the entities have no legal status. I am not so sure the courts are not behind the times in refusing to recognize that unions have some status. There has been a dispute going on among jurists for well over half a century as to the whole question of corporate personality. This is one of the problems which is troubling jurists, troubling the courts. In the United States some of the courts have recognized that unions have some status. As I pointed out before, the court in the west, in the case of Chase and Starr, the Supreme Court of Canada, was not unduly troubled by the rules of a trade union which were not far different from the rules which prevented Mr. Justice Raney from regarding the collective agreement enforceable in the Polakoff case. So, I do not think it is quite correct to say that the legality, that the unenforceability of the collective agreement rests on the lack of status of the trade union. As to whether or not these agreements should be enforceable one of the problems is that they do not fall within our ordinary rules of contract.

Some courts, and I think primarily the Privy Council, in dealing with the cases to which I referred

earlier, failed to recognize the validity of such contracts because they felt that these agreements did not fall within the rule which they recognized as necessary in the case of ordinary contracts enforceable in the court. These difficulties do not seem to have prevented all the courts in the United States from recognizing collective agreements for a great many purposes.

MR. BREWIN: Q. I understand, Mr. Finkelman, the experience with which you speak is that once the parties come together and adopt the principles of collective bargaining they can practise there is very little of a problem involved in keeping them to that bargain. The good will or good faith will keep them to that bargain. You were making no comment on that at all, although I think Mr. Aylesworth rather intended that you should comment on the problem which exists when the parties are not together at all as to the necessity or otherwise of the legislation which will bring them together. You were not commenting on that question which, as I understand it, is the main question before this committee. Mr. Aylesworth seemed to me to be mixing up two points, namely, the question of whether the agreement was enforceable once it was adopted, and the question of whether there was some procedure by which the parties could be brought together so an agreement could be dealt with.

MR. AYLESWORTH: I think perhaps I did not make myself clear. The point which was interesting me and which does very much interest me is, gentlemen, the

question of exercising compulsion on one angle only in respect of this matter, in view of the very manifest difficulty both as to status and as to policy -- in other words, other jurisdictions which have had great expansion of organized labour have contented themselves with allowing, as I said before, the weight of public influence and the good sense of organized labour and of employers to bring about collective bargaining, and in a situation in which there is doubt as to the legal status of some of the parties and as to the enforceability of the kind of document concluded between the parties they have not seen fit to exercise compulsion in bringing about collective bargaining.

THE WITNESS: I think I get the point now. I missed it at first.

Collective bargaining has two aspects. There is first of all the situation in which the parties have not met in agreement, in which they are at odds and you are asking the employer to meet with a group of his employees, with the representatives of his employees and make a bargain for the first time.

THE CHAIRMAN: When you say "you are asking", what do you mean?

A. Anybody. There is no legislation any place in the British Empire or in the United States of which I am aware at the moment which compels an employer to meet with his employees and conclude an agreement -- it is said "We will find out who the representatives of the employees are", and then we say to the employer "Mr. Employer, you meet with these people and bargain in

good faith. If you have met with them at the table and bargained in good faith that is as far as we will go." That is the first problem. I think there is the point in which Mr. Aylesworth is interested. As I say, I know of no legislation which says to an employer, "You must concede this point to the employees."

Q. 95%, Mr. Aylesworth says, if the employers are willing and anxious to co-operate on an equal basis with the representatives of the employees and are willing like human beings to sit down and draft a legally fair agreement between both sides. Are we just dealing now with the infernal 5% who curse all? I mean the selfish, arrogant employer who has not any milk of human kindness in his system. Is that with what we are dealing here?

A. There are very few murderers in the world, yet you have a section of the Criminal Code which deals with the crime of murder.

Q. And there is a penalty attached to it?

A. And there is a penalty attached to it. I cannot speak from personal experience in regard to the second answer, but I can speak of the records. Over a period of about a year or so following the war -- now, I will not take my oath on this even though I am under oath. I stand subject to correction. I found in a very short space of time, at least forty-three cases in which application had been made to the federal government for boards because employers had refused to sit down and bargain with their

employees. As far as the cases are concerned, in the federal sphere alone, I have on my shelves now forty-two volumes each one running, I would say, one thousand pages of decisions by the National Labour Relations Board in cases where employers have been accused of not having been prepared to bargain collectively or to recognize the representatives of their employees. I am not suggesting for one moment that in those forty-two thousand pages of material the employer has been wrong a great many times. I have not read through the forty-two volumes. I do not claim that, but there have been disputes of sufficient magnitude to induce that board to publish that many volumes of reports. I think that is a serious problem which should be dealt with by legislation. I do not think it is only a case of 5%, because even if the workers were wrong in a great many of their claims at least they could be satisfied by a body or something like that proving to them that they have no claim.

MR. CARROLL: With the permission of the chairman I would like to address the committee.

THE CHAIRMAN: What is your name?

MR. CARROLL: J. J. Carroll, Mr. Chairman. I am not representing anyone, but I am a past president of the Toronto Retail Coal Dealers Association and president of Ward One Liberal Association of Toronto.

The point to which I desire to draw the attention of the committee is, I did not get here this morning, and therefore I do not know what occurred,

and I came in late this afternoon, so I do not know what occurred previous to my arriving here, but it has been drawn to my attention that unorganized labour, those who work for industry or for big business, such as departmental stores -- for which I worked fifteen years -- most of those fellows dare not come to this committee and make representations because of fear. They dare not come to this committee to make representations because of fear. That fear is the fear of discrimination.

I worked for a certain departmental store for fifteen years, and I know if we in that departmental store were to start to organize a union of our own choice it would not be very long before we would see the side door or the pay office in the way out and we would be through. The point I want to raise is, what protection is this committee empowered to give to the unorganized workers in these departmental stores and chain stores and other industries who might like to appear before this committee to make representations on the basis that they would like to be able to organize within their own places of employment unions of their own choice so they could collectively bargain with their employers on an equal basis? What protection has that employee against an employer who will discriminate against him in so many ways? That is the question I would like to raise here, to-day, to interject just at this time, because you are dealing with organized labour which means they do have

somebody to represent them. The unorganized have no one to represent them. They are children of the forest. They have no one to speak for them. They dare not try to organize because they feel within their own hearts, and I feel in mine, that they are going to be discriminated against. I worked for one of the largest departmental stores in this country and if I were to say that we fellow workers were organized collectively it would mean the door. I am saying there are one or two who would like to appear before this august body, this committee of the legislature. Are you going to protect them; can you protect them; are you going to give them the power to come here as free men, and as I come here? That is what I am asking in my humble way.

THE CHAIRMAN: I think, Mr. Carroll, you have brought up a very, very important point. We are limited under the resolution of the legislature to enquiring into and reporting back to the House regarding collective bargaining between employers and employees. We have not any power beyond that.

MR. CARROLL: I quite appreciate that. I have not studied your bill of power, but I appreciate this point, that before organized labour became organized it was unorganized and in the hearts of free men lay the desire to meet collectively, as we do, in our different associations, to be able to work out something among themselves in their mutual interest. Unorganized labour to-day cannot do that. There are thousands of people in the departmental stores, the

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chain stores and in industry, unorganized who dare not, because their jobs are in jeopardy, even in this day when men are getting so scarce, come here. They are afraid to do it. A few years they dared not to say a word. I am asking in my humble way what protection would these people get if they came before this august body to give evidence? What protection can you give them? If they are protected maybe the next step would be organization. If they get protection they will want to organize. I know that. They cannot organize if they have fear in their hearts -- and they certainly have it to-day even though labour is scarce.

THE CHAIRMAN: We will consider your point, Mr. Carroll.

MR. CARROLL: Thank you, Mr. Chairman.

THE CHAIRMAN: We will make a decision of some kind. We are limited by the terms of the resolution appointing and establishing this committee.

MR. LASKIN: Mr. Chairman, I was not here at the opening of proceedings this morning. I would like to ask as to whether there was any definition of the committee's terms of reference.

THE CHAIRMAN: What do you mean?

MR. LASKIN: You read out the term "collective bargaining." Has there been any attempt to explain the scope of the term?

THE CHAIRMAN: That is into what we are enquiring.

MR. LASKIN: It might have an effect on the

representations which could be made here.

THE CHAIRMAN: We are sitting here in order to try to get all the facts available relating to the question of collective bargaining. We are to report back to the legislature as to whether or not in our opinion there should be a collective bargaining bill or whether there should not be, or, if there is, what the terms of that collective bargaining bill should be.

MR. LASKIN : I just want to make myself a little clearer. You are going to leave it, then, to anybody who makes representations to define what he means by "collective bargaining"?

THE CHAIRMAN: What he suggests should be the term, whether or not he is in favour. Some will be in favour and some will be opposed to it. Some will want certain provisions in it and some will want certain provisions left out of it. Is that right, Mr. Furlong?

MR. FURLONG: That is right. The widest possible meaning should be given to it.

THE CHAIRMAN: Are there any further questions?

MR. FURLONG: Gentlemen, I was about to give you this document, but I find it is not in the order I want to present it to you. I will have it completed properly.

THE CHAIRMAN: It is not yet four o'clock. Do any of the members of the committee, or anyone else, wish to ask the professor any other questions dealing with the law as it stands to-day? If not, Mr. Laskin,

I believe, has a brief prepared on behalf of the --

MR. LASKIN: I am not prepared to make any representations at the moment or this week.

MR. SULLIVAN: Q. What in your opinion constitutes a company union? I would like, also, to make myself clear before I go into that. In my opinion there are independent unions which are not company unions, which are not affiliated with the C.I.O. or the A.F. of L. I would like the professor to give me what he considers to be the legal phraseology of a company union.

A. That is quite an undertaking, I am afraid, because whatever the legislature will say is a company union, or what the legislature would be prepared to say is a company union would be for the purpose of the legislation a company union. I can by reference to other acts answer. Looking at the National Relations Act of the United States, for example, Section 8, which was the source of a good deal of our provincial legislation on this score, I find they deal with that situation not by defining a company union but by defining certain labour practices. There are certain practices in which an employer is forbidden to engage. Section 8 reads:-

"Section 8. It shall be an unfair labour practice for an employer --

(a) To interfere with, restrain, or coerce employees in the exercise of the right guaranteed in section 7."

Section 7 is a declaratory section which says:

"Section 7. Employees shall have the right to self-organization, to form, join, or assist labour organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."

Then Section 8 goes on to define other unfair labour practices.

"Section 8 (2): To discriminate or interfere with the formation or administration of any labour organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

"(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organization: Provided, That nothing in this act, or in the National Industrial Recovery Act (U.S.C.; Supp. 7, Title 15, Sections 701-712, as amended from time to time, or in any code or agreement approved for prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labour organization (not

established, maintained, or assisted by any action defined in this Act as an unfair labour practice) to require as a condition of employment membership therein, if such labour organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act."

I should imagine that a union which came within those prohibitions would be a company union. I am afraid I cannot give you any other explanation of that term.

MR. SULLIVAN: If I could only get on the legislature in the province of Ontario I would go and offer up seven masses for the dead trade union in the last five years.

MR. BREWIN: Mr. Chairman, may I ask for the convenience of those here what the times are the committee proposes to sit?

THE CHAIRMAN: From 11 a.m. until 1 o'clock, and from 2 until 4 o'clock p.m.

MR. BREWIN: Three days of the week?

THE CHAIRMAN: We decided this morning to sit on Monday afternoon at 1.30.

MR. BREWIN: Otherwise than that special exception it will be Tuesday, Wednesday and Thursday.

THE CHAIRMAN: Yes. It looks as though we may have to sit on Monday, Tuesday, Wednesday and

Thursday.

MR. BREWIN: Do I understand that you are asking those who may be interested to present briefs or statements? I understand the Trade and Labour Congress will present some statement, whether written or otherwise. I understand Mr. Mosher is going to be here to-morrow and other organizations will present statements. Have you any suggestion to make in respect of that?

MR. FURLONG: Yes. We wish you to do that.

THE CHAIRMAN: It is the wish of the committee, as I understand it, to hear anyone who has any suggestions to make or any information to give relevant to collective bargaining in order that the members of the committee will have available all information obtainable on the subject.

MR. FURLONG: If Mr. Brewin will contact the office we have established upstairs, room No. 220, we will try and fix a time when it is convenient for statements to be made.

MR. BREWIN: Thank you.

THE CHAIRMAN: Yes. If anyone here, representing any interest, would see Mr. Furlong, he will arrange as government counsel to set the time in order that there will not be any loss of time to people sitting around waiting or some representatives ahead of them to finish.

We will now adjourn until to-morrow morning at 11 o'clock.

---Whereupon, on the direction of the chairman, the committee adjourned to meet on Wednesday, March 3rd, 1943, at 11 a.m.

THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

Proceedings of Select Committee
regarding Collective Bargaining
between Employers and Employees.

THIRD DAY
MARCH 3 - 1943.

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THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M.P.P.	Windsor-Sandwich Riding
Chairman.	
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J. A. A. Habel, M.P.P.	Cochrane North Riding
Mr. H. L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F. R. Oliver, M.P.P.	Grey South Riding
Mr. J. P. Mackay, M.P.P.	Hamilton East Riding
Mr. T. P. Murray, M.P.P.	Renfrew South Riding

THIRD DAY

In Committee Room No. 1

Parliament Buildings

Toronto

Wednesday, March 3, 1943 at 11.00 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K.C. Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).

---Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

-- And other representatives of various organizations.

THE CHAIRMAN: I will call the meeting to order.

Mr. Furlong, what is the programme this morning?

MR. FURLONG: Mr. Chairman, I have here about 137 cards from men in aircraft work. I think they should be deposited with the committee. The first one reads:

"Praise the Lord and pass the Labor Bill."

I think the rest are along the same line.

---EXHIBIT NO. 4: Bundle of 137 postcards from aircraft workers.

Then I have a letter from Olive C. Brand, of Hamilton, who requests that the bill be passed. She does not say whom she represents:

"1225 King St. W., Hamilton, Ont.,
"Feb. 25, 1943.

"Premier Gordon D. Conant,
"The Ontario Legislature,
"Queen's Park, Toronto.

"Honorable Sir:

"This is to protest the failure of the
"Government to introduce legislation to provide
"for collective bargaining between employers and
"employees in this province. As such legislation
"has been promised again and again, and failed to
"materialize, one can only conclude that anti-
"labor, anti-democratic interests have influenced
"the Cabinet not to introduce the very much needed
"bill.

"Surely this is not the time to give heed
"to selfish interests. Canada lags far behind
"other parts of the British Empire and the U.S.A.

"in its Labor legislation, and instead of delay,
 "haste should be the watchword. Not only is it
 "a crying need in the name of justice, but its
 "effect on production, without a doubt, would be
 "to hasten and increase it.

"We citizens view with alarm the strangle-
 "hold of vested interests and big business in this
 "industrial province and feel that we have a right
 "to expect our Government to stand out against such,
 "and to do what is fair and right. It would be a
 "sad anomaly if our boys should fight for freedom
 "and democracy abroad, while, at the same time, an
 "anti-democratic, not to say Fascistic, set-up
 "flourished at home.

"We sincerely trust that the very near future
 "may see this need met.

"Yours sincerely,

(sgd) "Olive C. Brand."

---EXHIBIT NO. 5: Letter dated February 25, 1943, from
 Olive C. Brand to the Honourable
 Gordon D. Conant, Esquire, Premier
 of Ontario.

THE CHAIRMAN: I also have a letter from Olive C.
 Brand, which I shall read. I think these letters
 should go on the record. I may say to the members of
 the committee and to all interested parties that both
 Mr. Furlong and myself are simply inundated with advice,
 protests and suggestions, and it is almost impossible
 for us to answer all the correspondence and telegrams
 we are receiving; but I want it to be well known that
 anybody in the province of Ontario who has any

representations to make here in regard to legislation covering collective bargaining is invited to get in touch with Mr. Furlong, who will arrange appointments.

This is simply typical:

"1225 King St., W., Hamilton, Ont.,
"Feb. 25, 1943.

"Mr. James Clarke,
"Chairman, Select Committee on
"Collective Bargaining,
"The Ontario Legislature, Queen's Park,
"Toronto, Ont.

"Honourable Sir:

"This is to protest the failure of the Govern-
"ment to introduce legislation to provide for
"collective bargaining between employers and
"employees in this province. As such legislation
"has been promised again and again, and failed to
"materialize, one can only conclude that anti-
"labor, anti-democratic interests have influenced
"the Cabinet not to introduce the very much needed
"bill.

"Surely this is not the time to give heed to
"selfish interests. Canada lags far behind other
"parts of the British Empire and the U.S.A. in its
"Labor legislation, and instead of delay, haste
"should be the watchword. Not only is it a crying
"need in the name of justice, but its effect on
"production, without a doubt, would be to hasten and
"increase it.

"We citizens view with alarm the strangle-hold
"of vested interests and big business in this in-
"dustrial province and feel that we have a right to

"expect our Government to stand out against such,
 "and to do what is fair and right. It would be a
 "sad anomaly if our boys should fight for freedom
 "and democracy abroad, while, at the same time, an
 "anti-democratic, not to say Fascistic, set-up
 "flourished at home.

"We sincerely trust that the very near future
 "may see this need met.

"Yours sincerely,

(sgd) "Olive C. Brand."

---EXHIBIT NO. 5-A: Letter dated February 25, 1943,
 from Olive C. Brand to James
 Clarke, Esquire, Chairman, Select
 Committee on Collective Bargaining.

THE CHAIRMAN: That is typical. Here is the other
 side of the picture in a letter from Mr. J. E. Cooke, 6
 Neville Park Boulevard, Toronto, Ontario:

"6 Neville Park Blvd.,
 "Toronto, Ontario,
 "March 1st, 1943.

"Mr. James Clarke,
 "The Ontario Legislature,
 "Queen's Park, Toronto.

"Dear Sir:-

"Our war production depends on good relation-
 "ships between employers and employees. Good
 "relationships depend on equal relationships.
 "Labour can never meet employers on equal terms until
 "it is strengthened by a law compelling employers to
 "bargain collectively with the union of their
 "employees' choice.

"It was heartening to see that several members
 "of the Legislature realized this fact and were

"becoming interested in the welfare of the working
 "people of Ontario. However, the C.I.O. bogey has
 "been raised again and it is apparent that strenu-
 "ous attempts are being made to play the A.F.L.
 "unions against the C.I.O. unions. Such action will
 "only lead to increased industrial disputes and the
 "resultant disruption of our war effort will be the
 "responsibility of the present Legislature. To
 "prevent such a calamity I urge you, as chairman,
 "to introduce and support a real labour bill before
 "the special committee on collective bargaining and
 "to see that it is introduced before the Legislature
 "with your full backing.

"Yours sincerely,

(sgd) "J.E.Cooke."

---EXHIBIT NO. 6: Letter dated March 1, 1943, from
 J.E.Cooke, to James Clarke, Esq.,
 Chairman, Select Committee on
 Collective Bargaining.

MR. FURLONG: Then I have a letter from the Canadian
 Brotherhood of Railway Employees and Other Transport
 Workers, representing some 350 members:-

"Canadian Brotherhood of Railway Employees and
 Other Transport Workers - Affiliated with
 The Canadian Congress of Labour and The Inter-
 national Transportworkers' Federation

"Forest City Division No.96,
 "750 Colborne Street,
 "London, Ont.,
 "Feb. 22nd, 1943.

"The Honourable,
 "Gordon Connant, M.L.A.,
 "Premier of Ontario,
 "Toronto.

"Dear Sir:-

"I have been instructed by the above named Local
 "composed of some 350 members to forward to you the
 "following resolution.

"Whereas the workers of Ontario were promised
 "'collective bargaining, by you for some time, and
 "'Whereas we believe that such legislation would not
 "'only be democratic, but would also be in the best
 "'interests of a large majority of the citizens of
 "'Ontario, and Whereas the working class have
 "'played and will continue to play a most important
 "'part in the winning of this present conflict.

"Therefore we wish to go on record as deplor-
 "'ing the action of you in deferring this labour
 "'legislation, and do urge that you bring the
 "'collective bargaining bill before the present
 "'session of the Ontario Legislature at the earliest
 "'possible moment."

"Yours truly,

(sgd) "James Hare,
 "Recording Secretary."

---EXHIBIT NO. 7: Letter dated February 22, 1943, from
 James Hare, Recording Secretary,
 Canadian Brotherhood of Railway
 Employees to The Honourable Gordon
 Conant, Premier of Ontario.

MR. FURLONG: The next is a letter from the Council
 of the City of Fort William:

"February 25, 1943.

"The Hon.G.D.Conant,
 "Premier of Ontario,
 "Parliament Buildings,
 "Toronto, Ontario.

"Sir:-

"I am directed to advise you that at a meeting

"of the Council of the Corporation of the City of
 "Fort William, at a regular meeting held on the
 "23rd inst., the following resolution was adopted,
 "a copy of which I was instructed to forward you
 "for consideration:

"'THAT we endorse the recommendation sponsor-
 "'ed by the Fort William Trades & Labor Council,
 "'and that we urge the Provincial Government to
 "'enact at this Session of the Provincial Legisla-
 "'ture, Collective Bargaining Legislation that will
 "'enable workers to organize into Unions of their
 "'own choice, and to negotiate collective agree-
 "'ments with their employers.'

"Yours truly,

(sgd) "A. McNaughton,
 "City Clerk."

---EXHIBIT NO. 8: Letter dated February 25, 1943,
 from A. McNaughton, City Clerk,
 City of Fort William, to the Honour-
 able G.D. Conant, Premier of Ontario.

MR. FURLONG: The next is a copy of a resolution
 passed by the Port Arthur City Council:

"February 24, 1943.

"The Hon. G.D. Conant, K.C.,
 "Prime Minister,
 "Parliament Buildings,
 "Toronto, Ontario.

"Dear Sir:

"The following is a copy of resolution passed
 "by the Port Arthur City Council at a meeting held
 "February 22nd, 1943.

"'That this Council respectfully requests
 "'the Provincial Government to enact at this

"session of the Provincial Legislature, the
 "necessary legislation to provide for Collective
 "Bargaining as between employer and employee and
 "that a copy of this resolution be forwarded to
 "the Premier of Ontario, the Minister of Labor
 "and to Mayor C.W.Cox, M.L.A."

"Yours very truly,

(sgd) "W.V.McComber,
 "City Clerk and Treasurer."

---EXHIBIT NO. 9: Letter dated February 24, 1943, from
 W.V.McComber, City Clerk and
 Treasurer, city of Port Arthur, to
 the Hon.G.D.Conant, Prime Minister
 of Ontario.

MR. FURLONG: The next is a letter from the
 Presbytery of Niagara:

"Merritton, Feb.24, 1943.

"Premier Gordon D. Conant,
 "Parliament Bldgs.,
 "Toronto, Ont.

"At a meeting of the Niagara Presbytery of the
 "United Church of Canada which met in Welland Ave.
 "United Church, St. Catharines, on Tuesday,
 "February 23, 1943, the following resolution was
 "passed and the Secretary was authorized to forward
 "it to you.

"In keeping with the pronouncement of General
 "Council on the necessity of Collective Bargaining
 "guaranteeing to Labor equal bargaining power this
 "Niagara Presbytery endorses the demand of labor
 "for the right to bargain collectively through unions
 "of their own choice, and calls upon the Ontario
 "Government to bring before the Provincial House the

"'Collective Bargaining Bill and adopt same with-
 "'out further delay.'

(sgd) "A.R. Johnston,
 "Secretary."

---EXHIBIT NO. 10: Letter dated February 24, 1943,
 from A.R. Johnston, Secretary,
 Presbytery of Niagara to the
 Honourable Gordon D. Conant,
 Premier of Ontario.

MR. FURLONG: The next is a letter from the City
 of Sarnia:

"Sarnia, Ontario,
 "February 26, 1943.

"Sir:

"I beg to advise you that the Municipal
 "Council of the City of Sarnia at a meeting held
 "22nd inst. adopted the following resolution:-

"'WHEREAS the Province of Ontario and Prince
 "'Edward Island are the only two remaining Provinc-
 "'es in the Dominion of Canada without legislation
 "'making the right of collective bargaining legal.

"'AND WHEREAS the Hon. Mr. Heenan, Minister
 "'of Labor, introduced this legislation at the
 "'present session of Parliament and as many
 "'members of the government are not giving this
 "'bill the support that is necessary to pass it.

"'THEREFORE BE IT RESOLVED that this Council
 "'petition the government to pass this legislation
 "'giving the workers of the Province of Ontario the
 "'legal right of collective bargaining, and that
 "'copies of this resolution be forwarded to the
 "'Hon. G. D. Conant, Premier of Ontario, and to

"William Guthrie, Esq., M.L.A. for West Lambton.'

"I am, Sir,

"Your obedient servant,

(sgd) "M.D.Stewart,

"City Clerk.

"Hon.G.D.Conant,

"Premier of Ontario,

"Parliament Buildings,

"Toronto, Ontario."

---EXHIBIT NO.11: Letter dated February 26, 1943,
from M.D.Stewart, City Clerk,
City of Sarnia, to the Hon.G.D.
Conant, Premier of Ontario.

MR. FURLONG: The next is a letter from the Town-
ship of Stamford, Township Hall, Niagara Falls, Ont.:

"February 23, 1943.

"Hon.G.Conant,

"Prime Minister,

"Parliament Buildings,

"Toronto, Ontario.

"Dear Sir:

"At the meeting of the Stamford Township
"Council last night the following resolution was
"passed:

"That we endorse a resolution as presented by
"the Committee to secure Labour legislation.'

"The resolution is as follows:

"We, the citizens of Niagara Falls area
"respectfully and vigorously demand that the promis-
"es made by the Ontario Government be kept and that
"a Provincial Labour Bill guaranteeing Labour's
"Rights of Collective Bargaining and Trade Union
"Organization be introduced and enacted at this
"Session of the Ontario Legislature.

"We insist that this is absolutely essential

"so that Labour-Management relations will be
 "improved through the democratic machinery and
 "procedures of such a bill and furthermore we
 "believe that Ontario Labour is entitled to such
 "a bill. We earnestly appeal to the Ontario
 "Government to enact this bill despite the efforts
 "of the anti-war and anti-labour forces to scuttle
 "it, and emphasize our conviction that now is the
 "time for all-out Labour-Management-Government co-
 "operation so that there will be a plentiful supply
 "of the weapons of war to insure Victory for the
 "United Nations in 1943.'

"Yours truly,

(sgd) "Dave Alair,
 "Township Clerk."

---EXHIBIT NO. 12: Letter dated February 23, 1943,
 from Dave Alair, Township Clerk,
 Township of Stamford, to the
 Hon.G.D.Conant, Premier of Ontario.

MR. FURLONG: This is a letter from a Mr. Fred
 Treacher, 48 Cornwall Street, Toronto, Ontario:

"Toronto, February 28, 1943.

"To Premier Conant,
 "Ontario Legislature.

"Dear Sir:

"I am writing this line to urge upon you to
 "support Legislation which would make collective
 "bargaining mandatory between employers and the
 "union freely chosen by a majority of their em-
 "ployees, and which would outlaw company 'unions'
 "(i.e. associations of employees organized, controll-
 "ed or influenced by employers as substitutes for

"genuine worker-controlled unions). This is of
 "vital importance, now, and half measures won't do.
 "From a citizen taxpayer and voter.

"I remain,
 "Yours sincerely,
 (sgd) "Fred Treacher,
 "48 Cornwall Street,
 "Toronto, Ont."

---EXHIBIT NO. 13: Letter dated February 28, 1943, from
 Fred Treacher to the Hon. Gordon D.
 Conant, Premier of Ontario.

MR. FURLONG: Then there is a telegram from Ernest
 Heintz, Secretary-treasurer, Windsor Labour Council to
 Jas. Clark, M.P., Queen's Park, Toronto, Ontario:

"Windsor Ont Feb 23

"Jas Clark M P
 "Queen's Park,
 "Toronto, Ont.

"Dear Sir: At a meeting of the Windsor Labour
 "Council held Sunday February twenty-first all
 "delegates present a group representing twenty-
 "eight thousand war workers in the Windsor district
 "vigorously protested the shelving of the proposed
 "collective bargaining bill and demand that adequate
 "legislation be brought down at this session of the
 "legislature to protect the bargaining rights of
 "labour.

"Ernest Heintz, Secretary Treas.
 "Windsor Labour Council."

---EXHIBIT NO. 14: C.P. telegram dated Windsor, Ontario
 February 23 (1943) from Ernest
 Heintz, Secretary-Treasurer, Windsor
 Labour Council to James Clark, Esq.
 Chairman, Select Committee on
 Collective Bargaining.

MR. FURLONG: Now, Mr. Chairman, I have a letter here from Mr. Neil Macdonald of the International Association of Machinists. He has a delegation who desire to be heard, but they cannot attend before the committee in the daytime and would like to arrange for an evening meeting. Can you see fit to set aside some time in the evening for them? He says:

"Due to the fact that the majority of our members
 "are engaged in vital war work during the day,
 "we would suggest, if convenient, that any arrang-
 "ed meeting take place in the evening."

THE CHAIRMAN: I have talked to members of the committee and they all seem agreeable to sit at night to meet the convenience of the parties requesting such sitting. Shall we make it next Monday night, Mr. Furlong?

MR. FURLONG: I thought perhaps you could leave it to me to fix a night that would suit them.

THE CHAIRMAN: Yes, any night other than Friday night.

MR. FURLONG: Yes.

Now, Mr. Chairman, we have arranged for Mr. A. R. Mosher of the Canadian Congress of Labour to present his brief here today.

MR. HABEL: Before Mr. Mosher is called I would like to ask a question. Yesterday when Mr. Finkelman addressed us on collective bargaining he said there were two aspects but he gave us only the first one. I would like to have the second aspect of the matter mentioned, too.

THE CHAIRMAN: May I tell my confrere Mr. Habel that Mr. Finkelman was thrown off stride yesterday. It was expected that Mr. Bengough would take most of the day, and on account of his being unable to get here Mr. Furlong asked Mr. Finkelman to go to bat so that the time would not be wasted. He has not really completed his outline of the legal aspects yet.

MR. FURLONG: We will give Mr. Finkelman the week-end in which to prepare his material.

THE CHAIRMAN: Yes.

MR. FINKELMAN: When I was discussing the aspect of collective bargaining with Mr. Habel yesterday I dealt with what might be compulsory negotiation, that is legislation which might compel an employer to enter into an agreement with his employees. I said I had no knowledge of any legislation---

THE CHAIRMAN: Pardon me. To enter into an agreement or to enter into negotiations with him?

MR. FINKELMAN: To enter into negotiations with him. I said as far as I was aware the legislation I have come across merely says that an employer is compelled to sit down at a table and bargain with his people in good faith, but it does not compel him to enter into an agreement. If there is an honest falling out, the legislation does not compel an agreement, nor does it give any agency the power to write an agreement for them.

Another aspect of collective bargaining is where the parties have already entered into an agreement through their voluntary efforts and then the question arises whether there should be machinery in some way to make that

contract enforceable or not. That is a second aspect of collective bargaining, but the two things are separate and distinct and should not be confused. That is all I intended to say on that point yesterday.

THE CHAIRMAN: Anything else?

MR. OLIVER: It was not made clear yesterday as to whether New Zealand and Australia had compulsory collective bargaining legislation.

MR. FINKELMAN: I said I would check the legislation, but I have not had a chance to do so. I will introduce the legislation next week.

PRESENTATION BY MR. A.R. MOSHER,
PRESIDENT OF THE CANADIAN CONGRESS OF LABOUR,
OTTAWA

A. R. MOSHER, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Mosher, your headquarters are in Ottawa? A. Yes.

Q. What is the name of the organization you represent?

A. The Canadian Congress of Labour.

Q. What position do you hold with that Congress?

A. President.

Q. Is that organization registered with any department of any government? A. No.

Q. How long has it been in existence? A. The Canadian Congress of Labour under that title came into effect in 1939. It followed the All Canadian Congress of Labour which was organized in 1927, and the All Canadian Congress of Labour took over the Canadian Federation of Labour which was organized back in 1903.

Q. How many affiliates have you in Canada?

A. Approximately 15 affiliates, that is national and branches of international unions; we have over 200 chartered local unions in addition to that.

Q. Probably you had better give me the distinction between the two?

A. If there is a national set-up with a headquarters and local branches throughout the country we term that a national union, and that organization becomes affiliated.

Q. Then it has its own locals under it?

A. Yes.

Then we have in Canada the branches of international industrial unions. Their headquarters are in the United States, but they have a number of branches throughout Canada. The Canadian branches of these international organizations are also affiliated. Then local groups in various cities and towns throughout the dominion who are not members of any national or international union form themselves into local unions and they are chartered by the Congress, not affiliated.

Q. So you have here your affiliates and chartered locals?

A. Correct.

Q. Are all your unions industrial?

A. No. There are some craft unions.

Q. How many?

A. I could not tell you exactly without going over the records; most of our organizations are of an industrial character.

Q. Have you a list of your affiliates?

A. Not with me.

Q. Could you prepare that list for the committee?

A. Yes.

Q. Have you a list of your locals?

A. Yes, we can

supply you with both.

Q. And how many members are there in your affiliates and your locals in Canada? A. Approximately 265,000.

Q. And how many of those are in Ontario?

A. Approximately 125,000.

Q. When you produce that list of your affiliates and your locals and your members will you distinguish the province of Ontario from the whole of Canada?

A. I shall be very pleased to do so.

Q. Will you have that list also show the parent bodies, and where they are located? A. Yes.

Q. What control does your organization exercise over your affiliates, if any? A. We determine to a very large extent in Canada the jurisdiction in which organizations shall operate. Beyond that we exercise no direct control. We have the right, of course, to expel or suspend from the Congress for violations of the principles or constitution of the Congress.

Q. They run their own business? A. Yes.

Q. Then with regard to your locals, what control do you exercise? A. Our locals, too, to a very large extent have local autonomy subject to the constitution and by-laws prepared by the Congress for them.

Q. Now, Mr. Mosher, I think that is all I need to ask you for the time being. I would like you to proceed with your brief for the benefit of the committee.

A. Yes:

Mr. Chairman and gentlemen, I have no brief prepared to read to you this morning. I am going to make some preliminary remarks, and then I shall ask Mr. Conroy,

the secretary-treasurer of the Congress, to make some remarks.

First of all, may I introduce the delegates who have accompanied me here:

INTRODUCTION OF DELEGATES

Mr. P. Conroy, Secretary-Treasurer, Canadian Congress of Labour.

Mr. C. S. Jackson, United Electrical Radio and Machine Workers of America.

Mr. C. S. Lalonde, United Automobile Workers of America, from Windsor.

Mr. William Robertson, Hamilton Labour Council.

Mr. John Mitchell, United Steelworkers of America.

Mr. Sol. Spivak, Amalgamated Clothing Workers of America.

Mr. Alexander Walsh, Oshawa Labour Council.

Mr. Walter Humphrey, National Union of Carpenters, Painters and Bricklayers.

Mr. Joseph Mackenzie, United Rubber Workers of America.

Mr. Joseph Starr, International Union of Fur and Leather Workers of United States and Canada.

Mr. H. Finch, London Labour Council.

Mr. Murray Cotterell, Packing House Workers.

Mr. J. W. Pointon, Owen Sound Labour Council.

Mr. Elroy Robson, Toronto Labour Council.

and myself as president of the Canadian Congress of Labour.

Now, Mr. Chairman, may I at the outset attempt to remove some of the apparent misunderstanding that is being more or less cultured throughout the province and the country with respect to the aims and objects of the organized labour movement in asking for the legislation

which your committee is now considering. There seems to have been a more or less deliberate attempt to show that organized labour was seeking legislation which would hamper or deny the right of working people to join the organization of their choice. In other words, that we were seeking to secure collective bargaining for what some people are pleased to term the C.I.O., or the A.F. of L., and that in such a collective bargaining law we would exclude the right of workers to organize as independent unions. So far as the Canadian Congress of Labour is concerned we have never had any such thought in our minds. We think all workers should have the right to join independent unions if they want to do so, and we think it should be a matter of their own choice without interference by the employer in any shape or form. So that if a group of working people in any industry desire to organize in any form of labour union, whether independent of or affiliated with the Canadian Congress of Labour, we think they should have the right to bargain collectively with their employer, and that that right should be to some extent at least a compelling piece of legislation so far as the employer is concerned. In other words, we do not seek to deny to any worker the right to organize in the union of his choice without interference, and with the right to be represented in negotiations with the employer through the persons or organization of his choice.

Secondly, I would like the press and certain sections of the public to appreciate the fact that the so-called C.I.O. is not directing the activities of

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organized labour or any groups of organized labour in this country. I have noticed in the press on more than one occasion, and I am sure every member of the committee has noticed, that the C.I.O. gets the credit or the blame, as it may be, for every act of every local group or union throughout the country that happens to kick over the traces and do something which some of the public or the employers do not like. The C.I.O. or the Congress of Industrial Organizations, is a federation of industrial unions functioning in the United States of America. It does not function in Canada. It does not direct the activities of its affiliates in Canada. It does not in any way direct or attempt to interfere in any respect with the operations of the Canadian Congress of Labour, in which Congress the Canadian membership of unions affiliated with the C.I.O. in the United States is affiliated. In other words, taking one or two organizations as examples, we have the Amalgamated Clothing Workers organization, who have a representative with us here today. The Canadian membership of that organization is affiliated with the Canadian Congress of Labour, and the United States membership is affiliated with the Congress of Industrial Organizations of the United States. And I venture to say that the Amalgamated Clothing Workers, both in the United States and Canada, determines its own policy and controls its own affairs, subject perhaps to certain general principles laid down by the Congress of Industrial Organizations in the United States and subject to the general principles laid down by the Canadian Congress of Labour so far as Canada is

concerned. It seems to me that it is very much like condemning the whole Christian church because some wayward preacher got away with the collection box, to condemn the C.I.O. because some local union or some of its affiliated unions has committed some act, in connection with a strike or something of the kind, in Canada when, as a matter of fact, the union in Canada is composed of Canadian workers directed by the representatives they have themselves elected. And so, if there is any blame or credit coming to those unions in Canada for their actions or lack of action, I think it can be wholly charged to the Canadian workers themselves and to their representatives. I thought it was necessary to try to clear the air to some extent on those important things, but there seems to be an effort made to call a dog yellow, and then try to make the name stick. I am not making any apologies for the activities of the C.I.O. or the Canadian Congress of Labour. We will take the responsibility for the things we do, and for the principles and policies we advocate, but we would not think of condemning the Manufacturers' Association because some of its manufacturer members refused to deal properly with workers. I think both employers and the press should recognize that the same principles apply in the case of organized labour.

COLLECTIVE BARGAINING LEGISLATION FOR ONTARIO

On the question of collective bargaining legislation for Ontario I would say an act of this kind would contribute

very materially to the maintenance of industrial peace. According to the Labour Gazette of May 1942, pp.521-528, there were in 1941 a total of 231 strikes or lockouts, involving a loss of 433,014 working days. Disputes involving union recognition account for about 29 per cent of this loss, and were the second most important cause of stoppages.

THE CHAIRMAN: Do you mean that certain manufacturers would not recognize the representatives of duly elected workers in a certain industry? A. That is right.

Q. On what ground would they refuse? A. Well, they offer a good many reasons. A good many employers still have the old-fashioned idea, as I would term it, that they own the business, it is their money, they are operating it, and they do not propose to have any labour organization tell them how to run their business. I do not know how they arrived at the assumption that labour organizations want to tell them how to run their business, but I have heard that said on many occasions: "This is my business, and I have run it in the past and I propose to run it in the future in my own way."

MR. HAGEY: What percentage of the 29 per cent are in the province of Ontario? A. I have not a break-down of that, but it would be easily obtainable from the federal department of labour, statistical branch, where these figures are made up and published.

A preliminary compilation for 1942 indicates that the percentage of time lost because of disputes involving union recognition was almost exactly the same as in 1941,

in other words, approximately 30 per cent.

The Labour Gazette's compilation for 1941 shows that about 30 per cent of the time lost in that year was because of disputes involving various other union questions: closed or union shops, anti-union discrimination, etc. A proper collective bargaining Act would do much to reduce the loss from these causes also.

Further, about two-thirds of the applications for Boards of Conciliation under the Industrial Disputes Investigation Act involve the question of union recognition. Proper collective bargaining legislation in Ontario would do much to make the use of this dominion legislation unnecessary.

With respect to the character of the legislation we would like to see the Ontario government bring down, we think the Act should explicitly relieve the unions of all disabilities arising out of the Common Law in respect of restraint of trade. Unless this is done, any provision about unions pursuing their activities in a "lawful manner" might be rendered almost or altogether useless. Also, the fact that ^{if} a union's activities are in restraint of trade they may therefore be unlawful at Common Law.

Then it is very important that there should be a section outlawing yellow-dog contracts. I presume that members of the committee know what we mean by "yellow-dog contracts"? They are contracts forced on workers individually by employers, in many cases requiring the worker in normal times to agree not to join a labour organization in order to enable him to retain his employ-

ment.

In our opinion the Act should contain the right of workers to form and join unions of their own choice, and the right of workers to bargain collectively with their employers through representatives of their own choosing, including, if they so desire, the duly chosen officers of their union. In other words, we have from time to time found employers of labour who would express a willingness to negotiate with a committee of their own employees without any recognition of the employees' organization, or without the right of having with them a representative of their union. We feel that inasmuch as the employer is not debarred from the right of employing counsel to represent him wherever he is negotiating or doing business, surely the union should have the right of employing counsel, and if that counsel should be an officer of a labour union there should be no objection to his being brought in on the negotiations. Even a criminal has the right to be represented in court, and surely no one is yet going to place our labour unions on as low a level as we place a criminal in court.

THE CHAIRMAN: Q. Do you mean the accused? He is not a criminal until he is convicted? A. Yes, I should say the accused.

Q. How far would you go, Mr. Mosher? Suppose the legislature passes a bill making it compulsory for employers to meet and negotiate with duly elected representatives of the employees, how far would you go? As we have heard here, so far in most cases the ones who today do meet and negotiate with representatives of the employees

generally arrive at an amicable gentleman's agreement, as they call it, and things go along very well; but in the case where the legislature says to the employer: "You must meet with the properly elected representatives of the employees" and they cannot reconcile their differences and get down to mutual agreement, how far would you suggest that the legislature step in and appoint the Minister of Labour to draw an agreement between the two parties and make it compulsory for both of them? A. I do not think we have so far asked for more than the right to compel the employer to sit down with the representatives of the employees, whether it be a union or a committee or individuals, in good faith for the purpose of entering into an agreement.

Q. That would satisfy you? A. That is as far as I am prepared to go today without giving some further consideration to that very important point which you have raised.

Q. You can understand how important it is if we are going to make the recommendation? A. Yes, probably I should have said at the beginning that in making these oral statements to your committee I should like to ask the committee for a further opportunity of presenting a concrete brief to the committee in which we will deal with any point that we see needs to be emphasized as this investigation by the committee proceeds.

THE CHAIRMAN: We are glad to hear that. Please proceed.

WITNESS: The Act should make it compulsory for employers to recognize and bargain collectively with the

union representing the majority choice of the employees eligible for membership in such union. I think that is attempted to some extent in the Nova Scotia Trade Union Act.

Then in our opinion the Act should prohibit such unfair labour practices as interfering with, restraining, or coercing workers in the exercise of their rights to organize, or dominating or interfering with the formation or administration of any labour organization, or contributing financial or other support to it.

As I said at the outset, while we have no objection and no desire to prevent a group of workers from organizing themselves into an independent union, we think it should be independent from the employer; that the employer should not be a contributory factor in determining the kind of union these employees should join, by interference in any way such as by discrimination or financial support, or showing a more friendly attitude towards one kind of organization than another, and so on. I am not so sure that we might go as far as to suggest that the employer should be required to sign a collective agreement once it has been agreed upon. I mean if a negotiating committee sits in with an employer and he says: "I agree to" so and so, and they arrive at a mutual agreement verbally, then the employer and the representative of the employees should be compelled to sign it, so that there will be a written agreement. We have knowledge of employers who say: "We cannot enter into a collective agreement with your organization or

committee, but we can sit down and verbally reach an agreement which the company can post up as a memorandum of what has been agreed upon, not signed by both parties." It is merely a memorandum saying they have agreed to give such wages and conditions to such and such employees. We do not think that is good enough. The legislation should, of course, provide against discriminating among the membership of unions by reason of their activities.

We think it also ought to prevent the use of spies and blacklisting and strike-breaking agencies, and all private policing of that kind for the purpose of spying on labour.

We think that contracts with what are really company unions should be out of the window and be void, those are unions which are dominated or controlled by the employer by one means or another.

MR. OLIVER: Q. But there are quite a number of what might be plant or shop committees that are not controlled by the management? A. I agree with that. I agree that there are independent unions that are not controlled by the employer or interfered with in any way.

THE CHAIRMAN: Q. You have no objection to that?

A. No; so long as it is the free choice of the workers and there is no interference from the employer. ✓

Q. I think the outstanding example I have in mind is when Mr. Blacklock was put in charge of the big smelter at Trail. There had been incessant trouble before he went there, but the first thing he did was to ask the employees to elect representatives with whom he could sit around and discuss the problems of the company, and from that day to

this there has been no trouble there. You would not have any objection to that? A. If it is merely a matter of sitting around and discussing with a group of workers who are not otherwise organized the problems that confront them, perhaps we must concede the right to the employer to do that; but if he is going to ask the employees to organize in any particular form, that should not be permitted.

MR. NEWLANDS: Q. Suppose a vote is taken in a plant with respect, say, to joining the C.I.O. and 55 per cent vote in favour, what happens to the other 45 per cent? Can they set up a union of their own liking, or does the 55 per cent dominate? A. It seems to me that that is what our democracy provides in other spheres of activity. If you elect a legislature of 100 members and 51 per cent are in one particular political party and 49 per cent are in the other, the 51 per cent determine the policies of that legislature or of the federal parliament, as the case may be. That is democracy in action, and we cannot see any reason why we should not have democracy in this particular respect as well as in the case of political parties.

THE CHAIRMAN: Q. You could not very well have two different unions in the same industry? A. Not unless they are departmentalized or crafts. For example, in the railway industry we have a number of unions with contracts and agreements because we have craft unions set up there to some extent, and that state of affairs may be found in other large industries such as the shipbuilding industry;

but in each case the union represents a distinct class or craft of workers in the industry, and while we do not think it is the best kind of unionism other people think it is, and again we say the workers have the right to choose for themselves.

MR. HABEL: Q. Suppose the employers asked the employees in an industry to organize, and the employees decide by vote to go on with the company union, would you object to that? A. I object to there being a company union.

Q. Even if the majority say so? A. If it is a company union we get into a tangle because of our description of a company union. I say it is only a company union because the company by reason of its acts or lack of actions favours some particular form of organization in the industry, either by financially assisting a certain organization or group or giving better conditions, or letting it be known that better conditions will be given if they are in some particular group, or by discriminating against those who go into another group, and the company interferes with the absolutely free choice of the workers in determining how they are to be represented.

Q. Suppose a vote is taken on a secret ballot and the employees favour such a union? A. Even so, I do not think there should be a case of determining whether they shall be in a company union.

Q. There is no more democracy there? A. Why not?

Q. The majority has spoken. A. The moment you are suggesting a company union you are suggesting that there

has been company interference.

Q. Even so, the employees are satisfied? A. Do not forget that under normal conditions at least workers are often compelled to be satisfied with a great deal less than they are rightfully entitled to. Working people must seek jobs in order to earn a living, and we have gone through a great period in this country when there were far too many workers for the number of jobs available; and if the employer is able to show by some act or acts that only those who vote for a company union will be permitted to hold a job with him, that is interfering with the rights of the workers, Consequently we say the question of a company union should not come into the picture.

Q. The moment the employees were not satisfied with the way the thing was handled they could always, by secret ballot, decide on another form of union? A. They might, if it is a secret ballot; it might be possible to have such a ballot.

Q. I would not want to have an open vote on a thing like that. (no response)

MR. MURRAY: Q. There is such a thing as a company union where the company would organize for the sake of efficiency or to prevent accidents. You would have no objection to that? A. No; that is not organizing for collective bargaining purposes at all.

Q. Wages would not enter into the picture?

A. No; nor working conditions except as to safety devices or joint production councils. We do not think

any of these things work satisfactorily unless by an agreement entered into between the union and the company setting up joint production councils and safety councils. Workers are not at all in favour of paternalism on the part of the employer. They want equality and fairness, and to be consulted through the organization of their choice. I venture to say that many schemes of sympathetic, big-hearted employers such as providing insurance, pensions, recreational clubs of various kinds, are not nearly as highly appreciated as if the employer had called in the representatives of the workers and had

said: "We are quite willing to go along with you if you would like to start some activities of this kind." When labour is taken in as a partner rather than as a slave it has a tremendous influence upon the morale of the workers, and will undoubtedly result, in my opinion, not only in better relationship and less industrial strife, but in very much improved production in times such as we are going through now when we need everything we can possibly produce.

MR. HAGEY: I am interested in the definition of a "company union" and I have a specific case in mind: A plant has a plant council in which they elect by secret ballot once a year one representative from each department, and there are some 22 representatives on the council. They elect their own officers. The only point at which it fits your definition of a company union is the fact that when these men attend a meeting of the council they receive the wages they would be

earning in the plant at their jobs. Management does not attend at these meetings. Then the representatives of that council meet with the management and determine hours, rates of wages, and other matters. Would that be a company union? A. In my opinion it would depend very largely as to whether the organization which undertook the vote and the election of representatives was a voluntary one or one brought about as the result of the suggestion of the management, and so on. If it was a voluntary movement of the workers to get together and select their own representatives to go in and negotiate on any matter, I would not call it a company union; but if it was a matter of the manager or someone under him imposing a ballot on the employees I would say that was company interference.

Q. But the mere fact that they received wages while attending this council is not objectionable? A. Not if it is a voluntary organization.

THE CHAIRMAN: Q. You and the Minister have the same definition for a company union, namely, any union in a company not interfered with or dominated in any shape or form by the management? A. Yes.

Q. If it is not dominated by the management in any way it is not what you call a company union, but a fair union established on a fair basis? A. Yes. I presume that some of the organizations in our own Congress at one time or another, or even now, might by some narrow interpretation be called a company union. Some people get the impression that because a union has friendly relations with the employer and they sit down together as

partners, that means the union is dominated by the company. I think it should be one of the aims of organized labour to have that friendly relationship with the employer, so that they can consider themselves on equal terms, and consequently accomplish the only purpose justifying the existence of industry, namely, to supply the goods and services we need.

I think such a piece of legislation as is contemplated should certainly protect the right to strike. I cannot conceive of any labour organization desiring to go on strike, but conditions arise which seem to make it the only method by which the workers can in any degree secure recognition of their rights, and so I think the right to strike should be protected. I think also that a piece of legislation of that character should make provision for an agreement providing that union membership shall be a condition of employment.

MR. MURRAY: Q. You would not care to have a government tribunal? I think the word "government" means government, and they should have a tribunal big enough to prevent strikes. A. The one aim or one of the important aims of labour legislation is to prevent strikes. I think we must learn a lesson from what has happened in the Old Country. While they have no legislation there which compels the employers to bargain collectively, they have a general recognition by the employers of that right, which is something I am sorry to say we do not have in Canada. I would not want to be misunderstood. I am not placing all

employers in Canada in the one category. We have a number of very fine employers of labour in this country, men who are broadminded and recognize labour's rights and are willing to deal with organized labour in a proper manner; but on the other hand we do have a large number of employers who cannot recognize that right. They are people of that school who say: It is our money and we own the industry, and we are going to run it." They do not realize that when they set up the industry they had to get men to invest their lives in that industry or they could not have got anything done. After all, the most important factor in industry is human resources. You cannot turn iron into steel and steel into ships unless you have human labour. No matter how much money you have in the bank you cannot produce a ship without human labour.

THE CHAIRMAN: Q. In your opinion is the percentage of that type of employer very high? A. Yes, there is a very considerable percentage of such employers. I do believe that gradually that resistance is breaking down, but again if we are to follow history it was broken down in the Old Country by the shedding of blood and many hardships and tribulations. I would hope that we might accomplish the same thing in this country without going through the same procedure.

MR. MACKAY: Q. Your organization proposes a closed shop? A. I do not say that it should require the employer to enter into a closed shop agreement, but I say it should provide that the entering into a closed shop agreement should not be construed as in restraint

of trade or unlawful.

I think those are all the remarks I desire to make at the present time. I think I have hit the highlights of the matter. At some later date we would like to present to your committee a brief covering any other points we have not touched upon.

THE CHAIRMAN: You have been very fair this morning. The committee will be very glad to hear you again when you are ready.

MR. OLIVER: Q. What is your thought on the suggestion that unions be incorporated or chartered? A. We are opposed to the idea of the incorporation of unions. Our impression of a collective bargaining law is a law that would give freedom of action to organized workers. Some people seem to think that the purpose of it is to put more restrictions on organized labour by compelling them to incorporate, compelling them to publish financial statements all over the country, and to do many other things that organized labour are not required to do now. I am not a legal man, and I hope my legal friends will forgive me if I make some mistakes with regard to the matter, but it seems to me that certain financial interests, shall I say industrialists, organize themselves into joint stock companies for the purpose of avoiding personal liability, and some of those people who have done that now want labour organizations to incorporate so that they can get at the membership for personal liability. I cannot see any other reason why they want to incorporate them. The whole purpose of the incorporation of joint stock companies is to remove personal

liability from the stockholders.

THE CHAIRMAN: Q. You mean you would not want the funds of the union depleted by a big damage action?

A. Yes, if we are going to be continuously thrown into court by employers and have to spend the rest of our lives fighting the employers in the courts to defend ourselves, the employers can find many ways by which they can bring damage actions against labour organizations, and if the law gave them the right to do so we would find the whole purpose of liberalizing the legislation and bringing organized labour in as a partner would be simply destroyed.

MR. OLIVER: Q. Is the financial standing of your union available to the members of the union? A. I think most of our organizations do make their financial standing available to the membership. I do not know of a single labour organization that does not publish an annual financial statement available to the membership. I can say that in addition to being president of the Canadian Congress of Labour I have been president for the last 35 years of the Canadian Brotherhood of Railway Employees and other transport workers, and we publish our financial statements every year and send them out to our local branches all over the country. The Canadian Congress of Labour also publishes its financial statement every year.

Q. That would have the effect of enlightening the membership as to the disposition of the monies paid in?

A. Yes; they know what we receive in fees and dues,

and they know how the money is spent and where it is spent, and if they are in any doubt they are bound to find out why it was spent.

Q. But the publication for the membership of a financial statement is not obligatory on the part of the union itself?

A. Our constitution provides that we shall send out the annual financial statements. Then we hold conventions every three years, and again we bring in and consolidate the financial report of the three years' operations.

MR. AYLESWORTH: I wonder if through you, Mr. Chairman, I might address a couple of enquiries to Mr. Mosher?

THE CHAIRMAN: Yes.

MR. AYLESWORTH: May I say I have found Mr. Mosher's statements to this committee very interesting, and to me personally very helpful. In my opinion he has very clearly outlined the matters which those he represents have in mind, and it is only with the thought of elucidating some points that interest me and those I represent that I would like to ask Mr. Mosher a question or so.

THE CHAIRMAN: Yes.

MR. AYLESWORTH: The first question, and one that is really troubling me because after all I am here before this committee for a group of employers none of whom object to the principle of proper collective bargaining and most of whom are under collective bargaining agreements with various representatives of labour, is that

there are, as Mr. Mosher has pointed out, very many different types of labour representation: There is the craft union, the industrial union, and shades in between those. Now, I know that one question which is troubling employers who are legitimately interested in proper collective bargaining is this: the danger, if legislation be introduced, of over-shooting the mark, as it were, unless very great care be taken to safeguard the right of demanding recognition, because if that is not done, in a very large and diverse company with many employees of different types, quite conceivably the employer might be bewildered by 1000 or 500 different demands for collective agreements from different sections or segments of his employees, which would be not only not constructive but, I would think, utterly destructive to proper collective bargaining. I would like Mr. Mosher to help this committee as far as he is presently prepared to do so, as to the ideas of those he represents concerning safeguarding that danger.

THE CHAIRMAN:Q. Do you understand Mr. Aylesworth's point? A. I do not know that I grasped the question, sir.

MR. AYLESWORTH: Q. Perhaps I can put a direct question. Do you not think, Mr. Mosher, that in any legislation which might be brought down the right of labour to bargain collectively with their employers should be defined in such a way as to prevent the employers from being forced to negotiate with all sorts of undefined sections of employees, which might bring about perhaps a demand for a wholly unworkable number of

collective agreements in the same company? A. Well, I do not know where that fear might arise from, Mr. Chairman, but the tendency or trend of the times for the past quarter of a century, to my knowledge, has been just the opposite from that. As I said, the trend has been to organize groups into industrial federations rather than to organize them into sections or factions or craft unions. I do not know that we need to give very serious thought to the difficulties arising as the result of too many organizations wanting to negotiate too many agreements in one industry.

Q. It is not the craft unions I am concerned with, but if a loose definition should creep into such legislation, conceivably a group of three or four would say: "We constitute a bargaining unit"? A. I see what you mean now. For example, there might be 100 boilermakers in some industry, and your fear is that the 100 boilermakers might divide themselves into 25 bargaining agencies. I say that certainly should be taken care of, and I imagine it would be. The majority of the boilermakers in that particular industry would determine who the bargaining agency would be. Earlier I was asked if 55 per cent of the employees were for a union and 45 per cent were against, what would happen to the 45 per cent? I say let them play the game. If the property-owners of the city of Toronto through their city council decide on the amount of taxes each must pay on a certain basis, the taxpayers who do not pay their taxes will have to lose their property and get out. Similarly those

workers in an industry who will not accept the democratic principle for collective bargaining purposes and will not play the game must take a back seat.

THE CHAIRMAN: Mr. Aylesworth raised a very important point and a new one as far as I am concerned, and probably as far as other members of the committee are concerned, because until now I had supposed that if a vote was taken in a certain industry as to who their representatives would be with respect to collective bargaining, there would be just one union.

MR. AYLESWORTH: No, not necessarily.

THE CHAIRMAN: That is a new angle.

WITNESS: In my opinion there could be only one union representing one class of workers. You may have to categorize the workers in a certain industry, and in others not.

THE CHAIRMAN: Perhaps Mr. Mosher and Mr. Aylesworth could agree on a definition some day and hand it over to the committee.

MR. MURRAY: Q. For instance, in the lumber business road-cutters would form into one organization, teamsters into another, loaders into another, cooks into another, etc., and all would demand a separate agreement? A. I would like to say if they cannot find any greater opposition to the bill than the necessity for a very clear definition of that kind, as far as the Canadian Congress of Labour is concerned we shall be quite willing to vote for one organization!

MR. AYLESWORTH: What I have addressed to this

committee is not to be taken as opposing a bill of any kind. I am not here to oppose anything except anything that in my opinion is not constructive, and neither myself nor those I represent are before this committee in an endeavour to stifle collective bargaining if that be considered by the committee as the constructive method. We are here to help, and it is in that spirit only that I am asking these questions, because actually I have had many employers who are genuinely in favour of proper collective bargaining say to me: "Is there not a danger of going too far, so that the very purpose of true collective bargaining will be defeated unless the legislation is watched very carefully on this question?" when the words "section of the employees" has been used in the press or elsewhere. I do not think any employer who is willing to bargain collectively objects to a properly defined group bargaining collectively with him, but I think he would object to an ill-defined group or a section, as it were, that was not properly defined and classified attempting to bargain.

WITNESS: I hope my remarks indicated my meaning. So far as my Congress is concerned, we would have no trouble in that regard.

MR. HABEL: Q. You gave us quite clear information as to the C.I.O. activities in this country, and you said there is no difference between the United States and the Canadian C.I.O. Do you remember if Martin at Oshawa was a Canadian? A. No. Even though Martin may not have been a Canadian, and I am only speaking

from memory and speaking from the general trend which would apply in this specific case, my recollection of Martin is that he was president of the Automobile Workers, an autonomous body affiliated with the C.I.O. of the United States. At that time we had no Canadian Congress of Labour.

Q. That was in 1937? A. We had the All Canadian Congress of Labour at that time, composed of distinctively national and local groups. We had no members in there who were members of international unions, but as my recollection goes back to the automobile difficulty in Oshawa, Martin was the president of an independent international union, I mean independent in so far as determining as to its own policy and the administration of its own affairs is concerned, and I cannot conceive for a single moment of any officer of the C.I.O. or any executive board of the C.I.O. telling Martin and the automobile workers how they should conduct their affairs at Oshawa.

Q. What would you think of Mr. Robinson who came to Kirkland Lake last year? A. He came to Kirkland Lake as president of the Mine, Mill and Smelter organization; he did not come there representing the C.I.O., although he is an officer in the C.I.O. just as I am. But when I start negotiating with railway companies for wages and working conditions and determining what our policy will be in dealing with railway management, the Canadian Congress of Labour does not tell me how to act; I act as Mosher, President of the Canadian Brotherhood of Railway Employees and Other Transport Workers.

Q. Was Mr. Robinson a Canadian? A. No; I believe he was not a Canadian. May I say to you that if you want to carry that a little farther, when the Dominion government found itself in difficulty or thought it found itself in difficulty in connection with the miners in Nova Scotia they were glad to wire to John L. Lewis to come to try to clear up the difficulty. Also the Minister of Labour was very quick to telegraph Mr. Phillip Murray to try to bring about a settlement of difficulties in Sydney, Trenton and Sault Ste. Marie. So it seems that they are fine when they come over to help us to settle industrial disputes, but they are not so fine if they come over here to look after their own business.

Q. It is mostly a question of getting the proper information for the committee, in order to learn whether the C.I.O. in Canada is concerned only with conducting their own business? A. I would say, without successful contradiction from anyone, that since the organization of the Canadian Congress of Labour the C.I.O. has not interfered in any troubles or any other matter in Canada, and I challenge anybody to prove otherwise.

MR. OLIVER: Q. In view of the present affiliation of your organization or the relationship of your organization with the C.I.O. in the United States, is it within the realm of possibility that C.I.O. officials in the United States could call out Canadian workers in a sympathy strike with workers on strike in the United

States? A. I would say it was beyond all possibility.

Q. I want to hear you on that? A. Speaking for myself as president of the Canadian Brotherhood of Railway Employees, if the Canadian Congress of Labour was to tell me, in the case of a sympathy strike or any other strike, "You must call your members out," I would tell them to go to a place where they would fry.

Q. I donot want you to construe the questions coming from this committee as representing views we might hold? A. I think all that has been said in recent years about C.I.O. activity in Canada is absolute rot and nonsense.

Q. Just one further question: Do the dues that are collected from Canadian workers stay in Canada completely? A. In practically all cases that I know of they do; in some cases they are in Canadian bank accounts drawn on only by their international officers located in the United States. In other cases the Canadian officers have complete control of them. I do not know the internal banking arrangements of each organization, but all I know of, and I know most of them, keep their funds in Canada and buy lots of Victory bonds.

MR. HAGEY: Q. I suppose on the other side of the picture there is American capital here? A. Sure, lots of it; and I do not think we will find anyone trying to keep it out.

MR. FURLONG: Q. Mr. Mosher, to sum up, you do not

ask for compulsory agreements? A. I have not asked for compulsory agreements so far.

Q. You ask for compulsory negotiation? A. Yes.

Q. And if as a result of that negotiation an agreement is arrived at, then you want it in writing and signed? A. Yes.

Q. And then only will it be compulsory? A. Correct.

THE CHAIRMAN: And enforceable.

MR. FURLONG: I am coming to that.

Q. I do not think you want that agreement enforceable in a court? A. No; I think it should be enforceable by its own provisions and arbitration.

Q. And if I have gathered rightly what you mean, it is that if the men still desire to go on strike they have that right? A. Not if there is an agreement in effect. After all, if there is an agreement in effect and anything under that agreement can be interpreted on an arbitration or other means, I do not think they should have the right to strike during the lifetime of that agreement.

Q. As long as the agreement is alive and there is a clause providing a method of solving their difficulties, either by arbitration or otherwise, then you say that method should be followed and no strike should take place? A. That is right; and of course there should be a termination clause in every agreement.

Q. Now, you mentioned something about where there was a union nobody should be hired without a union card?

A. No. I said there should not be any law which would restrict the right of having a closed shop or

union shop in an agreement.

Q. That is, if the parties through their negotiations consummated an agreement providing for a closed shop, there should be no law opposing that? A. Yes.

THE CHAIRMAN: Q. And I suppose that extends to the check-off, too? A. Yes.

MR. FURLONG: Q. There are a number of agreements like that? A. Yes.

Q. With regard to a so-called company union, is it not really the financial aid that a company lends that union that determines whether it is a company union or not? A. Financial aid can be given in more ways than one. They might show a willingness to pay a man higher wages if he is a member of a particular organization. I had an instance brought to my attention a week ago where a certain employer said: "If you will get out of that organization and into another one we will go after a 5 cents per hour increase for you, and another classification." That is interfering with his choice of organization.

Q. That is paying him to get out of one organization and into another? A. Yes.

Q. And it might be intimidation? A. Yes, giving him softer jobs around the plant, or more rapid promotion.

THE CHAIRMAN: Q. That is more like bribery than intimidation? A. There is a method of bribing employees. I do not think employers should discuss with the employees where they shall go.

MR. FURLONG: Q. You want a union which is the free choice of the workers without interference by the employ-

ers? A. Yes.

Q. And you do not want to go any farther than that?

A. No.

Q. I take it from the method you have adopted for drawing the agreement and arriving at the bargaining agent that you do not want any government agency making an agreement for you? A. No. We might use their good offices in helping us to reach an agreement.

Q. You might accept their advice once in a while, but you would prefer to deal around the table with representatives of the employers on a basis of negotiation? A. Yes.

Q. And to rely on those negotiations to arrive at an agreement? A. Yes.

Q. And if you cannot arrive at an agreement on that basis, what happens? A. Probably you get back to where you were before with regard to the right of the workers to strike and see if they can force the employer into an agreement; but you will have removed one of the main causes of disputes, namely, his refusal to sit down with representatives of labour.

Q. All labour asks for is something to force an employer to negotiate with them or talk to them?

A. Yes, and the other things we have discussed such as discrimination, and so on.

Q. Are you able to enlighten the committee with regard to those to whom such legislation should apply?

I mean are there any exceptions? Some of the Acts

except certain types of people? A. I do not know that

there should be any particular exceptions. I do not know why even government employees should be excepted from organizing and bargaining through the organization of their choice.

Q. I notice that in British Columbia it is defined as "a person employing one or more persons," and in Manitoba "a person employing ten or more persons," and Alberta includes school boards, and so on. You think it should apply to all? A. Yes.

Q. Depending upon the choice of those who apply for the union? A. Yes, that is right.

Q. Coming to the point as to how the bargaining agent should be determined, is it your idea that a vote should be taken by secret ballot, and that that secret ballot should determine the bargaining agent by a majority vote, and that those who are in the minority have to get in and belong to the organization? A. No, not necessarily. You have gone a step beyond the first step. Recognizing the union as the bargaining agency does not necessarily force the minority into the organization; that only comes about when the bargaining agency negotiates a contract. The first step does not force them to do anything except accept the conditions on which they are to negotiate.

Q. Then only could the balance belong to the union, if by negotiation it is agreed to? A. Or of their own choice.

Q. I do not need to deal with check-off, because that is another matter, according to you, for agreement, not compulsory? A. Yes.

Q. And you are opposed to incorporation for the reasons stated, and with which I think the committee is familiar. Now, have you any objection to control by way of a law requiring a union to register? A. Well, of course, registration implies a good many things; it is equivalent, perhaps, to incorporation. If it is to have anything of that effect in it, we would be opposed to it, anything that would lead to placing greater liabilities upon the workers.

Q. If you were protected, as you are in England?

A. Well, I am not so sure of the protection even in England, in that respect.

Q. You would be opposed to registering? A. Yes.

Q. To file an annual return? A. Yes.

Q. To filing lists of officers? A. I have no objection to filing lists of officers.

Q. To give to your members a financial statement once a year? A. I am not opposed to that; we are not opposed to supplying to our membership any information as to how their finances are used.

Q. Why would you be opposed to registering if you were relieved from the obligations that it might bring about? A. If we were relieved of all the obligations there would be no objection, if it does not impose other liabilities.

Q. If you are relieved from the restraint of trade part of the law? A. Yes.

Q. That is what has been done in Nova Scotia?

A. There may be other disabilities, too, as the result of registration unless it was very thoroughly

safeguarded. I am not a lawyer, and cannot deal very well with legal technicalities, and for that reason I am opposed to anything going in the bill that is not spelled out very clearly.

Q. Would you be opposed to filing your constitution, rules and by-laws? A. No; I would not be opposed to filing our constitution, rules and by-laws with the board or with the administrative body set up to administer the law.

MR. AYLESWORTH: Q. Would you be opposed to annual elections? A. Yes, I would be opposed to that going into any law. I think the organized workers should not be told when to conduct their elections.

THE CHAIRMAN: Q. You want to be just like the politicians? A. You fellows can pass resolutions extending the life of parliament, so why cannot we?

MR. FURLONG: Q. Would you be opposed to restrictions forcing you to retain in this country all funds and securities obtained in the country? A. Certainly I would oppose that. The Brotherhood of Railway Employees is affiliated with transport workers all over the world, and we have to send our per capita tax to that federation. I would be opposed to anything that would prohibit us from doing so.

Q. Do you know the relationship between what you pay out of the country and what comes in? A. No; I have no figures on that. There have been a lot of wild guesses made, but I have no figures. I think there are very few dollars going out of the country, and under present-day conditions probably more are coming in.

MR. FURLONG: I think I have a very fair idea of what Mr. Mosher wants, Mr. Chairman.

THE CHAIRMAN: Have any members of the committee any further questions to ask?

Q. I was wondering, Mr. Mosher, about this: The Ontario legislature has been blamed rather violently for not having some collective bargaining legislation, as have all the other provinces. Do you know any of these other provincial Acts which you have studied that would be suitable? A. No; I do not think any of the other Acts are comprehensive enough.

Q. None of them are broad enough? A. I do not think so. I think that Ontario, being the biggest industrial province in Canada, should step out and show the rest of the world what it can do in the way of enacting a good collective bargaining Act.

Q. And you are going to give us your views on that when you later speak to it? A. I will do my best. And I hope your committee and the government in finalizing any Act will call organized labour into secret session and go over the Act before it is presented. It may be asking a lot, but it seems to me we ought to have a chance of going into it, at least. I think the greatest disaster that could happen to this province and to the dominion would be if they bring down an Act unsatisfactory to labour. It will only bedevil the situation.

Q. Very often legislation is passed to aid certain classes, and it turns out to be more harmful than beneficial, and you know that no legislation along these

lines is ever passed that has not to be amended as situations develop? A. Quite so.

THE CHAIRMAN: I think, Mr. Mosher, if everybody is as fair to the committee as you have been this morning we might be able to do something that will help.

MR. FURLONG: Q. Mr. Mosher, you wish to introduce Mr. Conroy? A. Yes.

MR. FURLONG: Mr. Chairman, it is now ten minutes to one. Perhaps we had better adjourn until two o'clock and then call Mr. Conroy?

THE CHAIRMAN: Yes.

MR. HABEL: I would like to correct an impression about the statement I made about company unions. I would not want any gentleman to go out of the room with the idea that I would favour what the Minister yesterday called the "yellow-dog unions," because I know of instances close to my riding where a company had really taken advantage of the workers, and they were really "yellow-dog unions." I am satisfied that there should be a way to take care of those unions where the employees really by their vote, taken by secret ballot, would be satisfied to go into an organization like that. Of course, that does not mean I am favouring company unions at all.

---Witness withdrew. _____

---Whereupon the committee adjourned at 12.50 o'clock p.m. until 2.00 o'clock p.m.

(page 190 follows)

WEDNESDAY, MARCH 3, 1943

AFTERNOON SESSION

---On resuming at 2 p.m.

MR. FURLONG: I want to ask Mr. Mosher just two questions.

A.R. MOSHER, Recalled.

---BY MR. FURLONG:

Q. Mr. Mosher, how many affiliates and locals did you speak for this morning?

A. All of our affiliates and locals represented through our executive council.

Q. Where we have an application from another of your affiliates or locals to be heard, in order to cut this proceeding as short as possible, yet I do not want to recommend to the Committee that we should overlook anything, but in order that there should not be repetition, can I say to any of these locals who now ask to be heard that you have spoken for them?

A. I would not like to say that, sir, because some locals may have something to add even to what we have said. We cannot deprive them of the right of also seeking an opportunity to come before your Committee.

Q. I just wanted to find out what you thought about that.

A. I would not like to suggest to the Committee they should deny them, but it might be pointed out that the Canadian Congress of Labour had first made representations on their behalf, and unless they have something of a new character --

Q. Something to add?

A. Yes.

Q. There is one other point in regard to the number of employees: those concerns that have a small number of employees - do you think this law should apply to a concern that only has say two employees?

A. Well, I don't think they should be denied. There is really nothing here in the Bill that we would suggest, anyway, that could do any harm to anyone. To give two, or even one employee a right to join an organization of their choice and to bargain collectively - I cannot see any reason why they should be excluded from the legislation.

Q. As I understand it, the development of unions came really after the spinning wheel was invented in England?

A. Correct.

Q. Before that time the industry was carried on in a man's house, where he either did it himself or had some friend or neighbour come in to help him to work. After the spinning wheel was invented we had our factories, and large numbers of men were brought together under one roof. From there on we had the development of unions by reason of large numbers of employees in one concern.

A. That is right.

Q. From that, coming down to our present age, we have the assembly line and mass production, such as Ford Motor of Detroit, Ford Motor in Windsor, probably the leading examples of it. I am not suggesting this, but I am merely asking you so the Committee will have some idea what the representative of an organization like yours would desire - do you not think there should be some limit, so that in cases

where there were say ten or fifteen, no more than that, the Act should not apply? A. I have in mind, sir, certain industries - I will give you one as an illustration - where I think it would be unfair to both the employer and employees if you put a limitation of five or ten on it. Take, for example, the highway transport industry. In the highway transport industry you have a number of concerns employing anywhere from ten to perhaps several hundred drivers, warehouse men, etc., and they are in competition with other highway transport concerns who perhaps only employ one or two people. To impose conditions upon the employer because he employs ten men, and to relieve the one who only employs two, might be unfair to that employer.

Q. Perhaps we could put an exception in that concerns of the same class be not excepted.

A. If it is overcome in that way, that might meet the purpose. I am not anticipating that the Ontario Legislature will be able to pass a Bill which is going to be perfect in every detail to take care of every individual worker in the Province, and some little limitation perhaps, if adequately overcome in some way, is all right. I am concerned where you have a number of large employers and a number of small ones in competition. It may work out to the disadvantage of the big employer if he has to toe the mark on one line of action and the other fellow can go scot free simply because he has fewer employees. Take the fur industry, and clothing industry, to some extent it is

the same situation - the building trades, the same thing.

PATRICK CONROY, Sworn (Canadian Congress of Labour).

---BY MR. FURLONG:

Q. Now, Mr. Conroy, will you proceed with any statement you desire to make? A. Yes. This morning I was quite interested in listening to some of the letters you read out, Mr. Furlong, in which, while no direct demand was made on the Committee, at least an inference of some such thing was made, demanding the Committee do this, and the Government do that, and so forth and so on. While you had some letters this morning demanding that the Committee and the Government pass this law, you have some sections of the Press almost daring the Committee to pass it.

I should like to say we are not coming here with that object in mind at all, neither demanding one thing nor daring the Committee to do the other. We think it would be both bad manners and bad judgment.

We are here, of course, primarily because of the expressed desire of the Government of Ontario to pass a collective bargaining law that will be suitable to all concerned. I should like here and now to state our appreciation for the privilege of presenting our views.

It seems to me there are two things involved in the passage of this proposed law which will stand up under anyone's examination. One is whether the passage of the law is right or wrong; the other is whether it will be a constructive piece of legislation for the

welfare of all the people, not particularly the workers of the Province.

Now, the term "democracy" I think has been given a lot of kicking around, a lot of abuse, yet we might confine ourselves in asking that the legislation be passed to saying that it is a right the workers are entitled to, that they should have that right from perhaps half a dozen varying viewpoints, and let it go at that. I do not think, representing a labour organization which, if it is not responsible, certainly claims to be responsible, we should confine ourselves to requesting the Committee of the Government to pass this law merely because it is right. True, we hold it is right and the workers are entitled to this law, but there are many things that are right in principle, in morality, that in effect might be very wrong and harmful to the welfare of the Province. So we must couple the rightness of the desire to have the legislation passed with the effect of the legislation in practice. Will it be a good piece of work, a good stroke of business, not only by the Government, but for the people of the Province as a whole? I think these introductions are necessary.

There are certain sections of the Press, possibly not all of them, that have tried to attach a political aspect to this proposed piece of legislation. There may be good grounds for that, I do not know. I can only give the assurance that I am not attached to any political organization of any kind, good, bad or indifferent - right, left or centre. Our Congress is a

non-political body in every sense of the word. We have never sought affiliation with any political organization, and so far as our intentions go at the moment, we do not intend to do. Again, I mention that because I think it is necessary.

We are here in the interests of an organization of working men, believing that the legislation as desired and as promised by the Government is both right and will be of constructive advantage to the welfare of all the people. The passage of this much desired piece of legislation will not do one thing that seems to be in the minds of many, who, if they do not directly say so, infer at least that this legislation will be a cure-all and an end-all towards the objective of improved labour relations. Frankly, I do not think it will. I think any man who comes before this Committee and states that the passage of even the most beneficial piece of collective bargaining legislation, even going beyond what the average organization would wish or ask for, and state it is going to bring Utopia in labour relations, has not much knowledge of human beings. What I think it will do is this: it will, as far as this Committee or this Province is concerned, within the limits of human beings' intentions, minimize the abuses now existing in our industrial structure, reduce them to a minimum, whereas at the present time by the record, which speaks for itself, and to which Mr. Mosher referred this morning, and by everyday reference and knowledge, of which most of us have some

degree of information, instead of a minimum, at the present time we have a maximum. A maximum because of a certain condition - that there is no over-riding or governing authority to say what men as employers shall or shall not do. Lacking a collective bargaining law, as we now call it, we have no mechanics of any kind by which we can eliminate these abuses.

THE CHAIRMAN: What abuses do you mean?

WITNESS: The abuses of employers on the one side, or employees on the other - by employers saying they will not do this or that in so far as recognizing a union is concerned, by adopting intimidating attitudes, by setting up company unions, any one of half a dozen things. Employees on the other side resorting to abuses of what has been morally regarded as their rights, referring to employers as such and such, and so and so. What I think this legislation will do - it will help both employer and employee to become sensible in the matter of labour relations, a thing which, up to now, there is not a great deal of evidence of, so far as I can see. I say that with all due respect to the sections of employers and sections of labour who are responsible - it is true, the minority in each. Whether there is a majority or minority of the responsibility on employees is a matter of opinion, but I think the setting up of this legislation will tend to eliminate it.

As to what might be included in this proposed law, might I, sir, for your convenience and for that of the gentlemen on the Committee try to follow this in

sequence? We say, first of all, that workers have a right to organize - a right to organize in an organization of their own choice, and the right subsequently to sit across the table from their employer and negotiate on an equal basis. Up until now that right has not been generally accorded. Many employers take the attitude, "well, we have built up this industry, we have put so much money into it," they have run their industry on some such basis for some years, and it has amounted to a tradition with them that they must have an unchallenged voice in that industry as to how its physical operations should be conducted. Their relations with their employees have always been conducted from the top down, again unchallenged, and I suppose they would be less than human if they did not think that should continue.

We say that is wrong. We say it is wrong not only because the employer by virtue of human frailty or weakness takes that attitude, but because the morality of the question is wrong. We think from a business aspect it is wrong as well, and the business aspect is important. True, under what we call our competitive system, or capitalism, as we call it, a man invests his money in an enterprise, and he is morally and legally entitled to a fair return on the investment. There is no question of that. As to what is a fair return, is a matter of opinion, of course. On the other hand we say just as definitely as we accord that right to industry, that he has not sole arbitrary rights in

industry, to run the industry as such. True, he invests his money and is entitled to a fair return on that investment, but he cannot operate that industry because he merely invests money therein. His monetary investment is merely a token of the capital value of the industry itself - that is, presuming there is no water in the investment. Without the application of human labour, or the application of machinery operated by human labour, his monetary investment means very little - the industry just will not function. It, consequently, requires the application of human labour, or machinery operated by such labour, to complete the cycle of the investment and the industry itself - in other words, human beings that we all ordinarily call workmen - and make to the man who invested his money in the industry a fair proposition. So what we have there in short is an industry without value unless human hands are employed, and those human hands we call workers. Whether it is the major portion of the investment in the industry or only an equal part is unimportant, it is certainly an essential one. I think with some degree of truth it is an equal investment. Capital invests its money: working men invest their labour. In a sense one is indispensable to the other. Being indispensable they are certainly essential to each other. Being essential to each other, they should automatically be equal partners. The same degree of equity should exist between one and the other: If that is so, the

successful operation of that industry on a basis of equal partnership can only be effectively operated where mutual confidence exists. And confidence I think cannot be determined on a basis of superiority on the one hand, and inferiority on the other. If confidence is to be reposed on a mutual basis, it must be reposed between two things of equal status, or two persons having an equal investment in the industry. Of course, with your superiority on the one hand, and inferiority on the other, you have, it seems to me, nothing but contempt from the top, and fear from the bottom, and with such contempt in industry I do not think you have a basis for a healthy industry.

So we say to Capital, and to the Government; in effect labour has at least a fifty per cent investment in industry. As such it is entitled to an equal voice in the determination of a fair return on its investment, just on the self-same basis as a man who invests his money is entitled to a fair return.

We next come to the point as to how that can be determined. Can a man who has a fifty per cent investment in industry be guaranteed that return unless he is recognized as an equal? Can he even begin to assure himself of that return if he is treated as an inferior by his employer? We frankly do not think he can. We think that man must be recognized as a definite entity in the industry itself on a basis of equity, to be able to sit down on one side of the table as John Jones, representing the employees, look his boss

squarely in the eye, John Jones the employer, and say, "We are two equal investors in this industry. You want a fair return for your investment, so do we. If that is so, let us get down to cases as equal partners in this industry." Now, it might be said that 101 individual isolated "John Jones" in any given plant or factory could do that, but history and the record is against it. True, there are notable exceptions, but the exceptions only prove the rule, but that economic power in the hands of the employer leaves the workman literally at the mercy of the employer as an individual. The evidence submitted by the employers themselves proves that the employer assures to himself the right to belong to an association, either on a local, provincial or national basis, and in some instances where corporations have run into an international character, he has also an international association as well. He joins a particular association of his industry for protection. His own fellows in that particular industry have problems similar to or varying from his. He is living in a competitive world. He cannot fight that world by himself as an individual employer; he must associate with his fellow employers to assure himself protection, not only to the industry but to himself as a part of it. He does that, as I have said before, on a local, provincial or national basis.

If that holds good for the employer as one investor in a given industry, then it, surely, must hold good for the other investors who sell their labour

power to the employer. In short, by the morality, the standards and the yardstick set up by the employer himself, he dictates the basis of required association by the workmen who need organization to protect their own interests in a given industry in which they are employed.

So much for the right of joining a union. Once he has joined a union, say it is included in the proposed legislation, the employer may say yes or no, whatever the case may be. If it is included in the law that John Jones, the employee, has a right to join the union, an intelligent employer will come along and say, "I do not challenge your right to do so. I have the right to join my own organization and you should have the same right as I have." So he sits down and proposes to negotiate a contract. With the history of Canada as we know it in the last several years the expectation is that the employer will say no. True, we have the exceptions who will say yes, but again, "Yes" is only the exception that proves the rule, and the expectation is that the employer will say no. We say that employer when he says no shall recognize that the man who invests his labour in industry will have the right to do as he has done himself, join an association.

There have been words attached to this proposed legislation which say that employers shall be compelled to do this, and compelled to do that, that the proposed legislation is compulsory, mandatory and so forth and

so on. I am personally of the opinion that the usage of the words "mandatory", "compulsory" and "compelling" are bad words.

(Page 205 follows)

They are ~~bad~~ words in this sense, that in the final analysis, whether it is a man employed at a lathe or in a mine or on a farm, he is contributing to the wealth of the country. That is his contribution to the country's welfare. As such he is the country's chief investor. There should be no reason in my estimation under God's blue heaven why that man who produces the wealth of the country should be put in the innocuous position in which, to even express his own elementary right and desire which represent his investment in the country's production and in the country's welfare, he should have to go to any government or to any committee and say that John Jones, an employer, should or must or shall be compelled to recognize the elementary and intrinsic rights of a man whose contribution to the country is completely essential.

I think, Mr. Chairman and members of the committee, what labour is asking for to-day in this province is not to compel employers or employers' associations to do business with the other half of industry's investment, the working man, but what we are asking this government to do to-day in this proposed legislation is to cinch, to assure and solidify the chartered right of the man who invests his labour in industry and to see that right is protected. That is the positive feature of it. To compel an employer to recognize those rights is at least, in my estimation -- it is not directly declaring so, but in substance -- inferring that employers are

not prepared to extend to men, whose investment is necessary in the industry of the country, the elementary rights they are supposed to enjoy under political democracy.

I think, sir, it is unnecessary to refer to the causes for which this war has been fought. We are all equally aware of them. We all have our fathers or brothers or someone in uniform overseas, every one of us, fighting for a certain right. That right we call "democracy" to extend the freedom of the individual to those overseas whose freedom has been stamped out by what they call the juggernaut of nazism and fascism. We seem to be in a peculiar position in this part of the twentieth century. Every one of us is declared to give our all for a given purpose, a given objective to stamp out that which is being imposed on the people of Europe. We are the people who are supposed to do the stamping out, but here we are to-day discussing whether we shall or shall not have the freedom ourselves which we are supposed to hand on to other people in conquered Europe. I suggest in all humility there is something wrong. I suggest you are fulfilling a worthwhile function here in trying to eradicate that state of affairs. In the event an employer says "No" we believe there should be a properly constituted medium for him to recognize what is right. Since we propose to institutionalize collective bargaining, we must have some mechanism for that institution. I think the only basis is democratic

procedure, a secret ballot to determine whether the workers voluntarily wish to join the union of their choice. I know of no other method. It may be said, and in substance said partly correctly -- perhaps it may be in the minds of the members of the committee -- say you only get 51% of a majority, is that a satisfactory majority? For my own part, having in mind all the facts of the situation, I would say that an organization which wants to do a good job and which does not want to revert to questionable practice should try and assure itself of more than a 51% majority in order to do a good job and have the confidence of the members it represents. But, aside from that, I know of no other basis by which you can go beyond 51% as a majority to determine such a majority. All we can go on is the election basis of the country in which we live. We do know that under our election procedure, wise or unwise, in given cases legislatures are elected not by a majority but even by a minority of votes cast. That, I think, has led, in the process of elimination, towards a better election system. We cannot attack it because in our own wisdom we have not so far thought of a better way. However, we recognize in principle, every one of us, that the majority shall rule. If that holds good for government, if 51% of the electorate of the country chooses a government, no matter what cast or colour, or persuasion and if the other 49% vote for other parties or other government, you must in principle and by law recognize that the 51% is the governing body of the country and

provinces in which we live, and I submit, sir, it is a fit and proper basis to apply the same in industry.

Now, as to company unions, and perhaps I am getting a little ahead of myself, I heard Mr. Furlong make a suggestion to Mr. Mosher this morning. We are not here to compel employers, again referring to that word "compulsory", to negotiate a concluded contract. It is true that much of the opposition in labour disputes which have arisen in recent years centres around the question of collective bargaining. There are cases, I must frankly admit, in which companies are willing to do business with a union. There eventually arises a dispute as to the proposed terms of contract on each side. I think it is the desire of labour, in so far as it is humanly possible and in so far as its own responsibility will authorize or allow it to do so, to carry on its negotiations without the interference of government, and yet that leaves us, to some extent, in a blind alley. The company says "Yes, we will recognize the union, or negotiate, but the demands of either side may be such that it may not be possible to arrive at a contract by reason of such negotiations. I think it is reasonable to project here that there might well be given thought by the committee to some process of mediation by the Minister of Labour to use his good offices to try and arrive at the solution of negotiation difficulties between the respective parties. I say that I hope as a sensible person. "Strike" is a term thrown around with abandon. In my estimation strike should be an instrument used as a last resort.

"Strike" should be the last word. I say that for two reasons, one perhaps a very selfish reason. You try and go into a strike with an employer and your chances of winning that strike are at best a 50-50 position. You pull men out on strike and they must be fed. You cannot keep them continuously on strike unless you propose to feed their bodies. It has been said that man does not live on bread alone. Strikers certainly do not; they have to eat. The average union treasury is composed of only as much money as the average union member pays into it. So, even under the most favourable conditions a union has merely an even chance of winning or losing a strike. Now, what about the other reason, having given the selfish reason? I think good sense, a true regard for the welfare of the community, a true regard for the welfare of your members should indicate, if it does not, that the last thing that should be resorted to is a strike, that a responsible negotiator, a responsible union officer should try and exhaust all possible means to arrive at a contract without resorting to such weapons. I am frank to admit that we have in the labour movement individuals who are not given to so thinking. I say that because I think the Globe and Mail will say it for me anyway. It is not an admission; it is a fact. I anticipate them making it.

THE CHAIRMAN: Q. You mean the unions are made up of human beings?

A. Yes. The law of averages will run through all these men the same as in any other branch of

society. What the proportion of wise, young men is I frankly do not know. I suggest in all sincerity, agitation by hunger, or unfair conditions, which I think is a stimulant to irresponsibility, the denial of certain rights by employers stimulates irresponsibility, leaving those stimulants aside the degree of irresponsibility in the ranks of labour or labour leaders is no more than what it would be in the ranks of industry, itself. I think the record bears that out. I submit in all sincerity and with no reflection on any individual employer, that the employers who refuse to recognize labour are showing as much or a greater degree of irresponsibility by not having a proper perspective of the right or of the function of an employer in industry as an irresponsible labour leader in trying to resort to a strike without proper negotiations. It seems to me the two things go together.

For me to come before this committee and say all the virtue is on the side of labour would be wrong. I know employers who have accepted responsibility in dealing with their employees. They have never quibbled over the question of recognition. When negotiations over wages have arisen they have attempted to look at the matter on an even basis. True, they might look beyond a certain limit. Industry can only bear as much as the traffic will carry, but, within those limits I can name employers from the Atlantic to the Pacific who have tried to employ a broad and rational viewpoint in the matter of doing business with their

employees. It is the other individual whom I call the irresponsible employer who is in the main responsible for the government having even to consider the necessity of putting this legislation on the statutes, who has driven labour into a corner from which corner it must fight back not in opposition to employers or in opposition to the government but to establish its own elementary right and take a definite stand thereon.

As to company unions we say company unions should be outlawed. We say any proposed legislation as brought into being by your government, sir, should so stick. We say with all emphasis of which we know that any employer who exceeds the role of expecting a fair return on his investment and tries to use or abuse his own economic power over local, isolated unions which we call individuals without protection, tries to shanghai or project them into a mechanism of his own choosing. He is not only exceeding his own right but, in my frank opinion, he is demonstrating a pathetic lack of intelligence as to his own functions. Feudalism did not work. Hitler's only worked for the time being; it is not working now. They declare themselves to be the master race. They have ground the inferior being in Europe into the dust but, curiously enough, the people who are being ground into the dust are coming back as live human beings to tumble the juggernaut back where it belongs. This master race theory is in essence the content of company unionism. When any man at the top of industry sets himself up as the know-all and the

end-all, and the determiner of the rights of those working for him whom he regards as inferior human beings, he may do it for a time, as Hitler has done in Europe and as has happened elsewhere, but there is going to be a day of reckoning for him. He cannot grind individuals into a mechanism of his own choosing, because human nature will rebel. We do not wish to see bloodshed in this country. We do not see a day of reckoning, or ask for a day of reckoning against such an employer. We say the government fulfilling its function for the welfare of the people should at the first opportunity try and set up a mechanism which will prevent this day of reckoning and which will bring home to this, in my opinion, stupid employer who does not even know his own functions and set up a preventative medium for the peace, good order and government to ensure the welfare of the community.

The whole principle of company unionism is wrong. The very name indicates what it is. A company union, in reverse, to give it its proper title, is a union which belongs to the company. How could the union which belongs to the company do the workers any good? It could do good for the workers on the presumption, if you please, that there is only one man in every industry who has intelligence enough, who is capable enough of determining the welfare of the hundreds and scores of thousands of workers involved in that industry. To say that John Jones, an employer, is the only one with brains in the industry, despite the fact that without the intelligence and the application of

that intelligence of the hundreds and thousands working in the industry his investment would not be worth a red five cent piece, is a peculiar statement.

We say that man must be brought to recognize that if democracy is to progress it must progress on a basis of intelligence, not by a specie of Hitlerism, by appealing to the lowest denominator or the brute in all of us, by allowing free play and application of intelligence by all in the industry, itself. The worker at the bottom shall have the unreserved right to exercise that intelligence as an investor in the industry to determine with the other investor, the employer, the way of life he shall enjoy.

I have never yet heard of any employer who would shamefacedly come before this committee and say he has the right to protect company unionism, to select the organization of the worker's choice, because there is only one inference to be drawn therefrom, and that is he is the only one in the industry with the intelligence to so do.

I submit in all sincerity unless company unionism is outlawed in industry what we are doing here, what we have done, is depriving the mass of the employees in industry from exercising their normal intelligence.

As to the question of registration and incorporation: I listened to Mr. Furlong's questions of Mr. Mosher this morning. Registration, I presume, implies the report of findings, membership and the supplying of names to the government, and so on and so forth. I do not think there is any ordinary objection to that

if that was all which would be implied by it. If a union leader must be responsible, and he should be if he is not, he can have no objection to extending an open face to the rest of the people of the country but labour is, frankly, afraid that registration means only one thing, the abuse of such by anti-labour employers who will use it to such an extent that registration will become if not in fact then in degree a specie of incorporation to in turn make unions suable, to make the individuals responsible, which they, as employers, have incorporated, have tried to deny that is the responsibility of the individual. In short, we think that anything leading to interpretation of the implication of incorporation will be used by unintelligent employers to try and break the unions which they do not like.

MR. OLIVER: Q. How could they so use that?

A. Well, I do not know. I am not a lawyer.

That is our fear.

As to the merit of the closed shop, we are not saying here to-day that the closed shop should be one of the sections in this act, making it mandatory upon employers. We do say that where both parties are agreed on this it should be so stated in the legislation that it will not be an offence or in restraint of trade, or, in what may be properly called legal language, to not make it in violation of the legislation, itself. There will undoubtedly be argument against the closed shop. It would not be human if there were not. There is an old maxim, I believe, that there are two sides

to every story. In most cases there are twenty-two, and I believe that applies to the closed shop.

MR. FURLONG: As the chairman says, "From my side, the other fellow's side and the right side."

THE WITNESS: The closed shop is a sort of bogey. The United Mine Workers of Western Canada have been established since 1904, roughly forty years. We have signed closed shop check-off contracts with all the major coal producing areas of the three western provinces. We blanketed 98% of the coal industry with closed shop check-off contracts.

THE CHAIRMAN: Without the aid of any legislation?

A. Without the aid of any legislation. We lost many lives, we lost much blood. We enjoyed some very long strikes in the process of getting it. Some of our strikes went on as long as fourteen, eighteen months.

These employers are not small employers. Some of them are subsidiaries of the Canadian Pacific Railroad, others indirectly connected. Others are relatives, if we may use the term, of the Consolidated Smelting Company. They all recognize the closed shop; they all recognize the check-off. True, in the early days they raised particular Cane about it but, since the last twenty years, the question of the closed shop with the check-off has never been in issue. It has become institutionalized; it has become accepted.

The complaint in respect of closed shop usually

comes from employers. They say they are against the principle of a section of the workers being forced into a union against their choice, that the closed shop in effect does about two or three things, that it denies the right of the individual to belong or to not belong, and in addition to this -- this is important -- it gives the union a strangle hold on all the employees of the company and can hire and fire and dismiss at will. In short, it is a form of conspiracy against the best interests and welfare of the individual and of industry as a whole. That, I think, in brief, is the common complaint against the closed shop.

What are the facts? The facts are that mine unions never asked for a closed shop unless we had between 85% and 90% of the men enrolled in the union. The boss comes along and says "What about the other 10%? I am against saying join the union because it denies them of their own rights in that respect." We say in reply "You on one side of the table and ourselves on the other recognize one another as bargaining mediums for each and for the industry as a whole." A union goes into an industry and invariably it tries to get reasonable wages and working conditions, and security and all the rest of it. Let us say it does that job. Let us say it gets a fair wage and a good working condition, this is important, that when you sign a contract with this union you not only contract and agree to pay them fair wages but you expect something in return. You expect that union to assure to the

company a fair day's work from all the employees in that plant or factory, as the case may be. It is right and proper that guarantee should be given by the union. How can that guarantee be given to the company? How can it be made effective? Say 75% or 80% of the men are in the union, unless the closed shop is put into effect the guarantee of the union to the employer to in turn return a fair day's work for a fair day's pay cannot be made effective unless the union has what you would call control over 100% of the men. In most industries to-day most of your production is done by departments, even in a coal mine. You could have 75% of your membership doing a fair day's work, but you may have 25% outside of the union altogether, who do not agree with the union, who are at variance with the members thereof and the disagreement between that 25% and the 75% of the membership interferes with the normal process of production and it ultimately affects the output. In short, to be responsible for that guarantee to eliminate the development of local industrial grievances upon the one hundred and one individuals, without the centralization of those grievances, I say you have a medium allowing the development of isolated complaints among the individuals. You are allowing a sore to develop among the body politic of that industry, which is ultimately going to lead to ruin. We say that is not a good condition. We say, let us put the matter of labour relationships on the same business basis. In the matter of the production of the material and in the

matter of the cost of that production, which involves satisfactory labour relationships with reasonable controls thereof -- which we think is the best investment any reasonable minded employer could make -- he should operate his personnel and his human relationships on the same business basis as he operates the distribution of his products. It is peculiar, for instance, how many employers efficient to the utmost in selling their commodities really do it in a nice way, yet in contrast they are producing their commodities under a condition of enmity. They are trying to cut costs in the distribution of the product. What should be their first concern is left unattended because there is no satisfactory basis of relationship between themselves and their employer.

As to the yellow dog contract, the yellow dog contract has a sort of relationship to a company union. A company union proposes to embrace all potential victims. The yellow dog contract, an Americanism, a slang term, means in effect the boss just calls his victims into the office one by one and invariably he hands them a document out of the pay office window, gives them about a minute to sign it, and they do not know what they have signed. Later, when they are performing some alleged violation of company practices, they find they have signed a contract which literally signs their lives away. I have a vicious example here which has been used in recent times. This is an authentic copy, I am told.

In fact, it was brought to my attention some months ago. This represents an incident of the attitude of a number of employers who just refuse to do business with labour. It is headed "Davis Leather Company Limited, Newmarket, Ontario", issued on December 15th, 1942. It reads as follows:

"Having elected a Relationship Committee representing all departments, I favour giving them time and opportunity to work out with the Davis Management revised wages and working conditions.

I feel it would be better for me to depend on the Davis Management's word that they will meet the Relationship Committee's request in a fair manner both as to working conditions and wages than to trust in the fairy promises that are being made by some unknown Jew from Toronto.

Until it is shown that satisfaction cannot be obtained by this Committee I will remain loyal to the firm.

Signature"

The workman has to sign his name thereto. This company has to some extent apologized for this document since then, which, I think, of course, they should do. However, in the meantime they have again set up a company union and have employed every conceivable and questionable method to prevent the employees of that firm from selecting organization of their own choice.

There, sirs, are the highlights we believe should

be included in collective bargaining legislation. Perhaps I have talked too long, and I hope I have not bored or worried you, but I think I would be most remiss in my duty to the union I represent if I did not at the moment convey to you that any legislation which should be implemented by your government should be one which should and must be satisfactory to labour. I do not say that in any challenging fashion, but it would seem to me to be quite obvious that any legislation which is passed which is not satisfactory to labour must defeat the ends for which it is proposed to be brought into being.

That is all I can say at the moment.

MR. FURLONG: Thank you very much, Mr. Conroy.

I do not think I have any questions to ask, Mr. Chairman, unless the members of the committee have.

THE CHAIRMAN: Have the members any questions to ask of Mr. Conroy? Have Mr. Aylesworth or Mr. Lang any questions?

MR. AYLESWORTH: No.

THE CHAIRMAN: Mr. Brewin?

MR. FURLONG: Mr. Conroy, have you another witness?

MR. CONROY: Just myself here.

THE CHAIRMAN: Mr. Bell asked a question which has been running in my mind. He was wondering what your opinion would be, Mr. Conroy, as to whether it would be possible to have the different labour organizations agree on the terms of a collective bargaining bill.

THE WITNESS: Well, of course, sir, I can speak

for myself in that respect, that labour organizations-- that is the legitimate organizations-- I think are at one in believing in certain essential features of a proposed act; but I would venture to say this, even if the relatively minor features there might be some difference of opinion and there should be no obstruction or no objection by any of us to agreeing on a broad basis of legislation.

THE CHAIRMAN: Well, thank you very much.

Mr. Oliver says your presentation has been very ably made, Mr. Conroy.

THE WITNESS: Thank you very much.

MR. FURLONG: Mr. Chairman, that completes the programme for to-day unless Mr. Thompson is here from Oshawa.

A VOICE: Mr. Thompson was here this morning during the session when Mr. Mosher was presenting his evidence. He thought the matter was in good hands.

MR. FURLONG: He thought it would be well taken care of. Thank you.

Mr. Chairman; we deliberately set aside to-day for Mr. Mosher and his organization, thinking it would absorb practically the whole of the day, so there will be nothing on the schedule to be dealt with until to-morrow, now, Mr. Chairman.

MR. MOSHER: May I again indicate my appreciation for your kindness in giving us this time to present our views to you. As I said this morning I will probably send a brief to you later.

THE CHAIRMAN: Mr. Furlong, has Mr. Finkelman anything

further to add?

J. FINKELMAN, recalled.

THE WITNESS: Mr. Chairman, this morning Mr. Habel asked me if I would put on the record some sort of yellow dog contract. I have here a yellow dog contract of sorts which came before the Court of Appeal of Ontario in 1936. Mr. Justice Riddell set out the yellow dog contract at some length, and I thought I might read it to the committee if they wished it to be done.

This is the term of the contract which the employees were asked to sign:

" 'In consideration of the employer employing him at the salary aforesaid, the employee hereby agrees with the employer that neither he nor any person or persons on his behalf will at any time hereafter either on his own account or that of any trade union of which he may be a member or in partnership with or as assistant, servant or agent to any other person, persons or company, utter or publish by means of handbills, circulars, placards, signs, sandwich boards, banners or any other written or printed representation or by word of mouth or by any mechanical device or transcription or otherwise any statement of or concerning the employer to the following effect or embodying any of the following words or any of them: that there is a strike or lockout at the employer's premises, that the employee or any person or persons is or

are on strike or have been locked out at the employer's premises, that there ever was a strike or lockout or that any person or persons ever were fired, discharged or dismissed by the employer or at the employer's premises, that there was or is discrimination at the said premises, that there was or is an unfair condition at the said premises, that low wages were paid there, that the said premises were or are not a union shop or do not belong to any union or unions or are not recognized by any union or unions or any other words of like import or any other words or statements or representations which are calculated to or may be reasonably likely to cause persons to refrain from dealing with the employer or to think that there is any labour trouble whatever existing in respect of the employer's premises or any trade dispute in existence thereat, and without limiting the generality of the foregoing, any other statements or representations, whether of matters of fact or whether of matters in the future made of or concerning the employer which might reasonably be deemed to be prejudicial to the interests of the employer; and the employee further agrees with the employer that neither he nor any person or persons on his behalf or with his knowledge, consent or privity or at his instigation, will at any time hereafter, either on his own account or that of any trade union of which he may be a member or in

partnership with as assistant, servant or agent to any other person, persons or companies or any association incorporated or unincorporated, registered or unregistered, loiter near, parade in front of or adjacent to, carry signs, banners, sandwich boards, or distribute circulars or hand-bills near or adjacent to, or beset or watch or picket (peacefully or otherwise) in the vicinity of the business premises of the employer for the purpose of making, uttering or publishing any of the representations or statements aforesaid or for the purpose of giving any information to members of the public or to customers or prospective customers of the employer or to employees of the employer or for the purpose of making known to anyone any of the statements or representations aforesaid or for any other purpose that might be calculated to or may be reasonably likely to cause customers, prospective customers or prospective employees of the employer to refrain from dealing with or working for the employer or for any other purpose that might reasonably be deemed prejudicial to the interests of the employer.' "

THE CHAIRMAN: Did a lawyer draw that?

MR. HAGEY: Q. What was the basis and the termination of the litigation?

A. The basis of the litigation was that after this contract was signed by numerous individual employees a strike did break out.

THE CHAIRMAN: I should think it would. What was the suit about then; damages?

A. There was an action for damages for violation of this contract and a motion for an injunction was made and an interim injunction was issued. Then, there was a motion by the plaintiff for Writs of Attachment for contempt of court for villating the injunction.

MR. HAGEY: Q. What was the outcome?

A. The outcome was that the injunction was granted and the strike was broken.

MR. LANG: Mr. Chairman, before adjourning I was going to suggest to Mr. Furlong, I understand Mr. Furlong has furnished or is furnishing the members of the committee with copies of legislation in other jurisdictions. I am wondering if he could include in that the present legislation in Wisconsin and Pennsylvania, if it is convenient. I think it would be of interest to the committee.

MR. FURLONG: We are just about crazy now digging out legislation. When we get it we have to have it typed. It has taken a little longer than we thought it would. However, if we can do it, we will.

THE CHAIRMAN: The proceedings of this committee will now stand adjourned until to-morrow morning at 11 o'clock.

I would like to request that the members of the committee remain here after the people in the body of the room have left.

---Whereupon at the direction of the Chairman the Committee adjourned at 3.15 p.m. until 11 a.m., Thursday, March 11, 1943.



THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

Proceedings of Select Committee
regarding Collective Bargaining
between Employers and Employees.

FOURTH DAY
MARCH 4 - 1943.

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THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M. P. P.	Windsor-Sandwich Riding
Chairman.	
Mr. E.J. Anderson, M. P. P.	Welland Riding
Mr. W. J. Gardhouse, M. P. P.	York West Riding
Mr. J. A. A. Habel, M. P. P.	Cochrane North Riding
Mr. H. L. Hagey, M. P. P.	Brantford Riding
Mr. John Newlands, M. P. P.	Hamilton Centre Riding
Mr. F. R. Oliver, M. P. P.	Grey South Riding
Mr. J. P. Mackay, M. P. P.	Hamilton East Riding
Mr. T. P. Murray, M. P. P.	Renfrew South Riding

FOURTH DAY

In Committee Room No. 1
Parliament Buildings
Toronto

Thursday, Mar. 4, 1943 at 11:00 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K. C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K. C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).

---Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

---And other representatives of various organizations.

THE CHAIRMAN: All right, gentlemen, you will please come to order.

Mr. Furlong, what have we this morning?

MR. FURLONG: Mr. Chairman, I have a resolution here from the town of Thorold. It reads as follows:

"March 3rd, 1943.

"Hon. Gordon Conant,
Premier of Ontario,
Parliament Bldgs.,
TORONTO, Ontario.

Dear Sir:-

At a meeting of the Thorold Town Council last evening, the following resolution was passed in connection with the passing of a modern Collective Bargaining Bill by the Province, and I have been directed to forward to you a copy of that resolution:-

'Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

Whereas all labour organizations in Canada

have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill.'

I trust that you give serious consideration and pass legislation in this connection.

Yours very truly,

(Signed) Norval E. Bye

Clerk-Treasurer,
Town of Thorold."

--EXHIBIT 15: Resolution, Town of Thorold, Ontario, dated March 3rd, 1943.

This is a wire sent to the Hon. M. F. Hepburn, and which I have been asked to present to the committee. It is from Ernest Heintz, Secretary-Treasurer, Windsor Labour Council. It reads as follows:

"Windsor Ont Feb 23-

HON M F HEPBURN QUEENS PARK
TORONTO ONT.

DEAR SIR AT A MEETING OF THE WINDSOR LABOUR COUNCIL HELD SUNDAY FEB TWENTY FIRST ALL DELEGATES PRESENT A GROUP REPRESENTING TWENTY EIGHT THOUSAND WAR WORKERS IN THE WINDSOR DISTRICT VIGOROUSLY PROTESTED THE SHELIVING OF THE PROPOSED COLLECTIVE BARGAINING BILL

AND DEMAND THAT ADEQUATE LEGISLATURE BE
 BROUGHT DOWN AT THIS SESSION OF THE
 LEGISLATURE TO PROTECT THE BARGAINING
 RIGHTS OF LABOUR.

(Signed) ERNEST HEINTZ,
 SECRETARY TREASURER,
 WINDSOR LABOUR
 COUNCIL"

---EXHIBIT 16: Telegram, Windsor Labour Council to
 Hon. M. F. Hepburn, dated Windsor,
 Ont., Feb. 23, 1943.

There is another wire sent to the Hon. Mitchell F.
 Hepburn. It reads as follows:

"ST. CATHARINES ONT Feb 15

HON MITCHELL F. HEPBURN, PROV TREASURER
 PARLIAMENT BLDGS TOR

MEMBERSHIP OF LOCAL 676 UAW-CIO MERRITTON
 STRONGLY URGES YOU USE YOUR INFLUENCE TO
 BRING BEFORE THE PROVINCIAL LEGISLATURE
 THE PROMISED COLLECTIVE BARGAINING BILL
 WHICH WILL GIVE ONTARIO WORKERS THE RIGHT
 UNDER LAW TO BARGAIN COLLECTIVE WITH THEIR
 EMPLOYERS. LEGISLATION OF THIS KIND WOULD
 DO MUCH TOWARDS AIDING WORKERS TO ACHIEVE
 THE ALL OUT PRODUCTION NECESSARY FOR A
 TOTAL WAR EFFORT.

(Signed) HEDLEY MAGOR

RECORDING SECRETARY."

---EXHIBIT 17: Telegram, Hedley Magor, Recording
 Secretary, Local 676 UAW-CIO
 Merritton, to Hon. Mitchell F. Hepburn,
 dated St. Catharines, Ont., Feb. 15,
 1943.

Here is another wire from Windsor again to the
 Hon. M. Hepburn, reading as follows:

"Windsor Ont Feb 12, 1943

Hon. M. Hepburn,
Parliament Buildings Toronto Ont

We urge you stand firm against those reactionary and business as usual elements who are trying to scuttle collective bargaining bill which is necessary for industrial peace and total production. Those who fight the bill fight against democracy and the principles of the United Nations to which we in common with Ontarios millions are steadfastly devoted. You may count on our wholehearted support in your efforts to pass the bill during this session.

(Signed) R. G. England,
President Ford Local 200
UAW-CIO"

---EXHIBIT 18: Telegram, R. G. England, President Ford Local 200 UAW-CIO, to Hon. M. Hepburn, dated Windsor, Ont., Feb. 12, 1943.

Then Mr. Chairman, I have a resolution to present to the committee from the city of Guelph. It reads as follows:

"March 2nd. 1943.

Premier of Ontario,
Parliament Buildings,
TORONTO, ONTARIO.

Dear Sir:-

At a meeting of the Guelph City Council, held last evening, the following resolution was passed:-

'That this Council petition the Government of the Province of Ontario and requests that it do, at the present session of the House,

enact a modern Collective Bargaining Bill.'

Yours truly,

(Signed) H. J. B. Leadlay-
City Clerk."

---EXHIBIT 19: Resolution, the City of Guelph to the
Premier of Ontario, dated Guelph,
March 2nd. 1943.

Then, Mr. Chairman, last but not least, from the
town of Riverside.

THE CHAIRMAN: For the enlightenment of the other
members of the committee who do not do that district as
well as I do, Riverside is an appendage of Windsor.

MR. FURLONG: The resolution reads as follows:

" 'Whereas the interests of our effort demand
maximum and uninterrupted war production, co-
operation between labour and management and the
elimination of all factors which impede
production and cause national disunity; and

Whereas the adopted and proper application of
collective bargaining legislation would remove
one of the chief causes of industrial disputes
in wartime; and

Whereas all labour organizations in Canada
have appealed for collective bargaining legislation
as already exists in Great Britain, the United
States of America and other democratic countries
and which is in accord with the principles of
the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council
petition the Government of the Province of Ontario
and requests that it do, at the present Session

of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsation to the Provincial Government'."

---EXHIBIT 20: Resolution, the town of Riverside, Ontario, dated March 1st, 1943.

That concludes the resolutions for this morning.

We have now made arrangements to call on the representative from the Bell Telephone Company employees in order to deal with the Plan of Employee Representation, Plant Department, Bell Telephone Company. I understand Mr. N. W. Mitchell is present.

THE CHAIRMAN: Just before Mr. Mitchell is called, I have one or two communications which I think should be read.

I refer to a letter dated February 22nd, 1943, addressed to:

"The Speaker,
Parliament Buildings,
Toronto, Ont.

Dear Sir:"

I may say it is on the letterhead of The De Havilland Aircraft of Canada, Limited.

"As chairman of a committee which is reviewing the proposed bill on labour legislation, I wish to place before you my personal views on the subject.

I have been with the above firm for two years and have seen its labour relations change from

one of the happiest plants to one of the most disgruntled during this period. During all this time there has never been the slightest change in the attitude of the management to the staff and to my certain knowledge no request made by the staff has ever been treated with any but the friendliest and the fullest spirit of cooperation.

For the benefit of the staff, they organized themselves into the De Havilland Employees Association and the executive committee of this organization has handled the inevitable problems that arise as between management and staff in a highly creditable and satisfactory manner.

In spite of these conditions and for reasons best known to themselves, the C.I.O. organization introduced some of its organizers into the plant and the morale, spirit, and production of the whole plant has deteriorated from that day to this. We now have a plant where at least a substantial part of the staff spend their time in heated debate over trifles and give these trifles precedence over the serious work in hand. To add further to this boiling, we have recently had an influx of A.F. of L. organizers and I suppose the end is not yet.

What is particularly difficult to appreciate is just why these two foreign organizations should be so interested in organizing this plant unless it is purely for the monetary or political power which such organization would give them. They can do nothing in the way of wages or conditions

of work which the De Havilland Association could not do for the staff but this nothingness is to cost our staff anywhere from Sixty to Eighty Thousand Dollars per annum in fees, a very tidy sum in any man's language. If this is what it costs to do away with so-called company unions, then I say the cost is too great.

The destruction of morale and the monetary outlay, in my judgment, completely denies the usefulness of these labour organizations. I am personally satisfied that these organizations have no other interest in mind whatever but their own selfish ends and any benefits or help that may accrue to the staff generally speaking will be purely coincidental.

A great number of the employees here are old and tried friends of mine and I cannot let this matter go to your committee without challenging the whole basis on which the labour organizations will present their case. I have lived with and through the destructive working of their methods and I say to you without hesitation that they are an invention of the devil well calculated to become a menace in this land.

I am entirely in sympathy with men's right to organize into a group which gives them power and the right to control their own destinies but when they have to support a group of parasites in order to accomplish this purpose, then my sense of right and fair dealing becomes outraged and I lodge this protest with you in consequence.

Needless to say, these are the personal ^{word} views of the writer and must not in any sense of the be construed as the views of the management of this firm and are sent to you because I cannot have this legislation introduced and passed leaving your committee under the impression that there is not a very strong feeling among some of the staff in this plant that the purpose of it is conceived in iniquity and born of avarice and greed.

Yours very truly,

(Signed) L. Cummings."

MR. ANDERSON: What plant is that?

THE CHAIRMAN: It is The De Havilland Aircraft of Canada, Limited. It is written on their letterhead. I was sick, as you know, and my secretary wrote under my name on the 25th of February, 1943, to L. Cummings, Esq., c/o. The De Haviland Aircraft of Canada, Postal Station "L", Toronto, Ontario, as follows:

"Dear Sir:

I have your letter of February 22nd.

Please advise me if you wish to make personal representations to the Committee, If so, I will let you know the time and place.

Yours very truly,"

Then, on February 26th, this letter was received from Mr. L. Cummings, Transit Officer:

"February 26th, 1943.

"Mr. J. H. Clark,
The Speaker,
Legislative Assembly,
Parliament Buildings,
Toronto, Ont.

Dear Mr. Clark:

Replying to your favour of February 25th.,
I regret to say that much as I would appreciate
the privilege of expressing my views to your
committee in person, it would hardly be proper
for me to do so.

As the Assistant Security Officer of the
company it would be almost unavoidable for any
views which I might hold to be taken as
representing the views of the company itself
which might or might not be true.

I will only reiterate that the views in
my previous letter were my personal opinions but
I know that they represent the opinions of a
very large section of our staff and I will leave
the weighing of them to your committee.

Yours very truly,

(Signed) L. Cummings,

Transit Officer."

The only way I felt the committee would be able to
weigh it would be if I filed the correspondence.

---EXHIBIT 21: 3 letters: L. Cummings, to The
Speaker, Parliament Buildings,
Toronto, Ontario, dated February
22nd, 1943; The Speaker to
L. Cummings, Esq., dated February
25th, 1943; and L. Cummings to
J. H. Clark, dated February 26th,
1943.

MR. ROWE: I would like to say a word to the committee.

THE CHAIRMAN: What is your name and initials and whom do you represent?

MR. ROWE: My initials are H. Rowe, and I represent the United Automobile Workers. I was wondering if you had any information that the company union at De Havilland was dissolved yesterday?

THE CHAIRMAN: I have not any. That is the only information I have.

MR. ROWE: I am informed they were dissolved yesterday.

THE CHAIRMAN: I think there should be nothing withheld. Everything should be laid before the committee so we can consider all the representations.

Now, we have another letter here which reads as follows:

"March 2nd, 1943.

Mr. James Clark,
Chairman of Legislative Committee on
Collective Bargaining,
Parliament Buildings,
Toronto, Ontario.

Dear Sir:

Please find enclosed Resolution adopted unanimously at a conference of A.F.L., C.C.L., and C.I.O. leaders in Windsor held Sunday, February 28th, 1943. The conference expressed regret that you were unable to be present to participate in the discussion.

Trusting this Resolution will receive

your earnest consideration, I remain

Yours very truly,

(Signed) Roy G. England,

President,
Ford Local 200,
U.A.W.-C.I.O."

And this, gentlemen, is the resoltuion for the
consideration of the committee:-

"RESOLUTION TO LEGISLATIVE COMMITTEE
CONDUCTING OPEN HEARINGS ON LABOR
BILL

"WHEREAS: Relations between Labour, Management and Government in Ontario have been such as to make it extremely difficult for Labour to give its maximum in the battle of production inasmuch as energy which should be directed towards solving war-time production problems have been consumed in strife and disputes; and

WHEREAS: Any act, deed or speech which seeks a continuation of this condition which deprives the workers of Canada's highest industrialized province to the legal right to organize and bargain collectively, aggravate a situation that can only lead to a splitting of our forces at home to the delight of enemy saboteurs and fifth columnists; and

WHEREAS: A Collective Bargaining Bill which legally obliges an employer to bargain

with plant majority representatives; which outlaws company unions under whatever disguise; which places penalties against employers for discrimination for Union activities-- such a bill will finally give the worker the right of freely expressing himself regarding conditions of work, hours and wages. It will open wide the flood-gates, enabling labour to divert efforts hitherto spent in seeking recognition into channels of co-operation with industry and Government for an ever greater contribution in the world-wide crusade to smash Fascism.

THEREFORE BE IT RESOLVED: That we, delegates from A.F.L., C.O.L., and C.I.O. Unions in Windsor meeting in joint conference to discuss the Labor Bill, and representing 31,000 organized workers urge your Committee to disregard all who seek the defeat of such a Labour Bill, since they do not represent the will of the majority of the people of Ontario; and

BE IT FURTHER RESOLVED: That this conference go on record as favoring and urging a report by your committee which will take the above factors into consideration

and recommend the immediate
enactment of such a Labour Bill."

That is all I have.

---EXHIBIT 22: Letter and resolution from Roy D.
England, President, Ford Local 200,
U.A.W.-C.I.O., to James Clark, dated
March 2nd, 1943.

MR. FURLONG: Mr. Chairman, with your permission,
I will now request Mr. N. W. Mitchell to make his
presentation to this committee.

PLAN OF EMPLOYEE REPRESENTATION, PLANT DEPARTMENT, BELL
TELEPHONE COMPANY OF CANADA

N. W. MITCHELL, sworn,

EXAMINED BY MR. FURLONG:

Q. Mr. Mitchell, first, will you give me the
correct name of your organization?

A. Well, Employee Representative Plant Department,
Bell Telephone Company.

Q. Oh, I see.

THE CHAIRMAN: I did not quite get that.

MR. FURLONG: Plan of Employee Representation, Plant
Department, Bell Telephone Company?

A. That is right.

Q. Is that affiliated with any of the other unions
known as the Congress of Labour, or the A.F. of L.?

A. We have no affiliation with any other union or
organization of any kind.

Q. Are you what is known as a plant organization?

A. That is right. We represent plant employees of
the organization of the Bell Telephone Company.

THE CHAIRMAN: Will you speak louder? The members of the committee cannot hear you.

A. I am sorry.

MR. FURLONG: Q. You are not affiliated with any other organization? A. That is right.

Q. Then, how are you formed? Are you formed by the free will of the employees apart from the company?

A. Possibly, with the permission of the chairman, if I had an opportunity of presenting our memorandum it would give a brief indication of the basis of what we have to present.

Q. Go right ahead.

THE CHAIRMAN: Yes, do, but let us hear you.

THE WITNESS: I am endeavouring to. This is an unusual experience for us. This is a memorandum which was presented to the Hon. Peter Heenan, the Minister of Labour, in October. It incorporates a certain principle which we feel is very important. It also gives a brief outline of our organization and of how it has come up in the years it has been in existence. We have not seen any reason to change anything in our memorandum, while, as you will see, as I read it, it was addressed at a specific time. The principle incorporated still stands, as far as we are concerned.

Employees of industry in general are undoubtedly keenly interested in the proposed legislation by the Ontario Government relative to Collective Bargaining and conditions associated with such legislation. We, the undersigned, as Area Officers of the Employee Committees of the Plant Department of the Bell Telephone Company

of Canada, are no exception. We heartily commend yourself and your government for the interest manifested in labour problems by the definite assurance that by legislation, employees will be guaranteed the right to Collective Bargaining. However, as you know, in respect to labour controversy throughout the years the employees whom we represent have occupied an isolated position and we feel justified in drawing to your attention certain conditions in respect to our constituents.

In 1919 negotiations between Management and Employees of the Bell Telephone Company of Canada were made possible through an organization known as a Plant Council.

Q. Known as what? A. Known as a Plant Council. The terms of agreement were jointly developed through employee-employer discussions. This medium of negotiation operated until the year 1934, when a new agreement was drafted and called the Plan of Employee Representation.

Q. Do you mean "plant" or "plan" or Employee Representation? A. "Plan" of Employee Representation.

Q. "Plan of Employee Representation"?

A. That is right. In 1939 it was revised again and the Plan under which we are presently operating was drafted. At each revision undesirable features were discussed and, in the majority of cases, eliminated. Thus, the original plan has been developed to a point now considered to be an effective and satisfactory means of negotiation between employees and Management.

Despite the previous acknowledgment that in respect to labour in general, the proposed legislation would be of unquestionable value, we are of the firm conviction that any employee, either individually or collectively, should have the right to join or support an organization of his choice. This is one of the prime principles of democracy for which the peoples of the United Nations are sacrificing so much to preserve. Therefore, we solicit your close attention to the following.

Acting as accredited representatives and executive officers for, and on behalf of, all employees of the Plant Department of The Bell Telephone Company of Canada, we do hereby register disagreement with labour leaders that the Plan of Employee Representation and other similar plans must be eliminated in the interest of Collective Bargaining; that such a clause in any labour legislation in respect to Collective Bargaining would appear to be a coercive measure, contrary to the democratic principle which makes the new freedom of labour known as Collective Bargaining, possible.

In the interest of the employees whom we represent, in the interest of other groups in comparable position, and in the interest of democracy, we are petitioning your Government's attention, through your department, to a proposal that in the final drafting of legislation concerning Collective Bargaining, provision be made whereby the Plan of Employee Representation may continue to serve as a means of negotiation between Management and employees, depending

on the desire of the employee group.

We, as you see in our memorandum, are not taking any exception to the principle of compulsory collective bargaining. We are, though, taking serious exception to ^astatement made by other leaders of labour organizations that employee representation and company agreements must be sacrificed in the interests of compulsory collective bargaining.

Q. May I point out here, up until the present time no representatives of organized labour have asked that the legislation they are working for should have a clause of that kind in it.

A. I have a copy of a statement made here yesterday.

Q. I think as far as they have gone, subject to correction by members of the committee, or committee counsel, they have only asked that what they call a company union should be legally outlawed, but their definition of a company union is a union which has been dominated or interfered with or created by management; not one in which the employees have of their own initiative got together and elected representatives in which they sit around with management exactly like in your case and have arrived at an amicable agreement. I am subject to correction, but that is my impression of the submissions of the labour representatives so far; that they have not asked that a company union or a plant union, like yours, be outlawed. The only ones they say should be outlawed, if I understand them correctly, are the ones in which the union has been established through bribery or intimidation, or

coercion or other means of that kind among the employers of the plant.

MR. HABEL: If you remember the question I asked Mr. Mosher yesterday you will remember I asked him if he would agree that the employees would have taken a secret vote and would have favoured the company union and he said "No".

THE CHAIRMAN: I did not understand that. I understood that as long as it was a free association of employees, utterly devoid and separated from any influence or intimidation on the part of management, then they said that is the freedom of the association to which they are agreeable.

MR. MACKAY: That is right.

MR. OLIVER: That is right.

THE CHAIRMAN: They did not object to a company or plant union, like what Mr. Mitchell is talking about this morning. Is that your understanding, Mr. Furlong?

MR. FURLONG: I understood him to say that anything which was financed, dominated or controlled by the company in any way was a company union and not what they wanted.

THE CHAIRMAN: And then Mr. Hagey, if my interpretation is correct, asked Mr. Mosher the question would the fact that the company paid the men's time -- that is, the representatives of the employees -- when they were discussing things, when they were at their usual job, would that be construed as financing the company union, and Mr. Mosher said no that would not be so considered.

MR. FURLONG: I understood that was the answer to the question.

Professor Finkelman, is that your understanding?

MR. FINKELMAN: I think confusion arose between the circumstances where the company dominated or coerced the union and the people who were subject to that coercion were asked to vote, in which event there would not be a free vote. That is to what he was objecting, but he was not objecting to any union or organization, or association of employees elected by the employees freely and voluntarily, even though it was not affiliated with any other organization outside of the plant.

THE CHAIRMAN: That is my understanding.

MR. FURLONG: That is right. I understood that.

MR. HAGEY: Possibly we could clear that up by getting a brief outline of the situation in this organization in order to see whether it comes within the definition of a company union or whether it is a free association.

THE WITNESS: I would like to bring out the points, and ask the question, on whose authority would it be established what constituted a company union, or otherwise, a company union as referred to by other leaders of labour organization. That is something which has left us very much concerned, as to who is going to establish what constitutes a company union.

THE CHAIRMAN: That has been giving me some mental trouble since the question has come up, but I would imagine it could shortly be established where the employees have voluntarily and without any interference

on the part of management got together, elected their representatives to sit around and talk it over. Surely those men know whether or not they have been intimidated.

I do not think, from a practical point of view there should be a great deal of difficulty in determining that. In a court of law there would certainly have to be evidence that the company did intimidate in some way or other a certain bunch of men and in that case if it is the will of the committee or the legislation is drafted along that line there should not be trouble in determining whether or not management has interfered with improper practices in the establishment and the conduct and the running of the company union.

MR. FURLONG: There would be an interpretation clause interpreting the word "company".

THE WITNESS: It may be unfortunate, and it may be misconstrued, but, nevertheless, since the subject of compulsory collective bargaining first received publicity last year there has been indication that plans of employee representation generally speaking were on precarious ground.

THE CHAIRMAN: I was very much pleased, and I think all the members of the committee were, when Mr. Mosher made that point clear -- also Mr. Conroy -- that there was not any objection to free association of employees in plants, whether or not they were associated with any other labour organization, provided there was

a free association of the people in the plant free from any control or domination of management. Then these organizations had no objection to that union.

THE WITNESS: To go a little further than that, while we try to confine our discussion to our own situation we do feel in the principle as outlined, which is a democratic principle, it should be left to the employees concerned in these company unions to decide whether they are or whether they are not being intimidated, and the fact the government would see fit to pass a bill making compulsory collective bargaining effective would thereby recognize fully the representatives of an employee body as a means of negotiation.

MR. NEWLANDS: Q. If there is a vote taken in your plant and you decide you are going to have a shop union there is no outside interference at all; it is up to yourself?

A. There is definitely an indication that pressure is being brought to bear to eliminate company unions. I think probably we are agreed upon that.

THE CHAIRMAN: That is what pleases me so much. Mr. Mosher and those men were not pressing for that.

THE WITNESS: We feel that, by setting up this legislation, compulsory collective bargaining, the plan of employee representation or company union, which may in the past have been intimidated or influenced by company policy or power, would automatically disappear. The good sense of the employees of that company, by the mere fact of having what they call the new freedom of association, would take advantage to go into something that would

adequately protect them. The point about which we are concerned is the aspect of coercion, to say "This cannot exist."

MR. HABEL: Q. Your claim is that those unions would become more independent?

A. Compulsory collective bargaining is undoubtedly going to strengthen any labour organization, whether it is a company union or anything else. And, if it is a company union which is not functioning to the interests of the employees those employees will have sufficient intelligence to decide to go into something else without being forced into it.

Q. That is quite so. That is correct.

MR. FURLONG: I think, Mr. Mitchell, you should proceed and tell us a little more about your organization.

THE CHAIRMAN: Pardon me, Mr. Furlong, but Mr. Lang rose to his feet a moment ago.

MR. Lang, have you anything to say?

MR. LANG: I had not intended to make any submission, but I would like to say to the committee I have been looking at my notes in connection with what Mr. Mosher said yesterday. He used the word "interference" which you just now used. I think it is largely a question as to what he meant by "interference."

I can see the point Mr. Mitchell is making that it might be a questionable thing whether what has happened with his organization might be regarded as some interference by the company by reason of the fact that at the outset of the organization apparently it came about by a meeting between the officials and

representatives of the employees, but the words used by Mr. Mosher were "interference with workers in regard to their organizations."

That is the only point I can make.

THE CHAIRMAN: Thank you.

MR. FURLONG: Q. Mr. Mitchell, with regard to your organization, how was it formed; by the joint effort of both the company and the employees?

A. Absolutely.

Q. Is it now carried on in that same way?

A. That is right. Ours was a joint enterprise.

Q. What authority does the company exercise over it?

THE CHAIRMAN: Over what? Over the union?

MR. FURLONG: Yes.

THE WITNESS: Well, this is one of the points which has caused concern. I might read the company management undertaking.

MR. FURLONG: Q. Yes; anything you desire.

MR. MACKAY: Q. Mr. Mitchell, before you go on, may I ask you a question? Among your officers of your particular group of employees are there any foremen or officers connected with the front office whatsoever?

A. Absolutely not. We have a delegation here. For instance I am a cable splicer. This gentleman here, (indicating), is a field engineer.

Q. I mean of your organization as it is constructed, in your work? There is no person connected with the front office whatsoever who is one of your officers in any way?

A. Representing the employees?

Q. Yes. A. Absolutely not.

Q. They do not sit in at your meetings?

A. The procedure is very clear and very definite. We have a very large organization due to the geographical position of the company. As far as our joint conferences are concerned, that is the only time when our management appears. That is when we are prepared to sit down and discuss the various problems or grievances, or requests, which are coming up.

I may say this is the plan of Employee Representation, as mentioned in the memorandum which was revised in 1939. On the committee which was set up to develop this Plan of Employee Representation the Employee representatives were by far the majority in number on that committee.

THE CHAIRMAN: Q. The employee representatives outnumbered the management representatives?

A. I believe 11 to 3.

MR.FURLONG: Q. How many members have you in your organization?

A. The Bell Telephone Company of Canada is divided into two areas, namely, the eastern area, which is principally Quebec, and the western area which is principally Ontario.

THE CHAIRMAN: Q. What about the Maritimes?

A. The Maritimes do not come under our organization. Only in association with other companies, on the Trans-Canada lines, but that is only a co-operative effort between governments and companies, as I understand it, to establish Trans-Canada communication.

MR. FURLONG: Q. How many members are on your

committee? A. The total number of representatives for the western area is 45.

MR. HAGEY: Q. How are they elected?

A. According to established voting units, established by officers of the employee committees, the current employee committees. This method of election was established within the plant.

MR. OLIVER: Q. What is the total membership of your organization? A. Of the representatives?

Q. Of the employees? A. Approximately 5,000.

THE CHAIRMAN: Q. How many? A. 5,000 approximately. I might start at the first and read the purpose of our Plan of Employee Representation:

"This Plant Department Plan of Employee Representation is designed and adopted to provide regular channels for discussion between management and the Employees through their duly elected Representatives on all matters pertaining to Employee-Management Relations, and in particular to provide opportunities for discussions in order:

- (a) To assure that the Employees' viewpoint is presented and given consideration by Management before any changes to wages or working conditions become effective.
- (b) To provide additional opportunities for the interchange of views on Company policies and operations."

Relative to the obligation of the management under this plan, the first falls under the heading "Management Guarantees".

"Management Guarantees".

(a) That Employee Representatives shall not be discriminated against during and subsequent to their term of office on account of any action taken in the performance of their duties as outlined in the Plan, and that no action by any Employee Representative as such shall prejudice his standing as an employee of the Company.

(b) That any Employee having special knowledge of, or personally interested in any matter, who may be called upon to assist the Employee Representatives in their duties, shall have the same protection as an Employee Representative.

(c) That any Employee who requests action by an Employee Representative on his own behalf or on behalf of a group of employees shall not be discriminated against for such action.

(d) That any Employee or Employee Representative who feels that he has been discriminated against on account of any action taken under the plan shall have the right to appeal through the lines of organization of the Company to the President of the Company."

Then dealing with management undertakings.

"Management undertakes":

- (a) To give as long a period of notice as circumstances will permit to the Chairman and the Secretary of the Committee of Employee Representatives concerned before any proposed changes to wages or working conditions become effective. Where any change will adversely affect any group of Employees, this notice shall not be less than thirty (30) days.
- (b) To accept as the general employee viewpoint, unless stated as being the opinions of individuals, the opinions expressed by the elected Representatives on all matters of a general nature affecting the conditions of a group of Employees.
- (c) To hold all meetings of Committees provided for in the Plan on Company time and to grant Employee Representatives reasonable time from their regular work to perform their duties as Representatives. All such time shall be paid for on the same basis as when these Employees are performing their normal duties.
- (d) To provide the necessary facilities and bear all proper expenses for the successful operation of the Plan.
- (e) To furnish to any Committee provided for in the Plan information deemed necessary

for consideration of the subject.

- (f) To notify the members of any Committee, through the lines of the Company organization, of the time and place at which meetings are to be held."

I might qualify that and say the chairman of the committee discusses with his respective level of management with which he may be dealing as to the convenient date. We have our District, Division and Area levels. We have three levels.

- (g) To include in the responsibilities of Supervisory Employees that they shall give consideration to any matter referred to them by an Employee Representative, also to respect a request from an Employee Representative for confidential treatment on matters relating to any particular individual.

- (h) To notify the Representatives of the Voting Units concerned, when practicable in advance, of any action by Management which results in dismissal, disciplinary action, transfer, re-classification or promotion of an Employee.

- (i) To notify the Chairman and Secretary of the Committee of Employee Representatives, in advance, of any action by Management which would affect the status of an Employee Representative.

- (j) To allow thirty (30) days' grace to

arrange for the completion of any matters pending under the Plan to an Employee Representative who remains within the employ of the Company but whose status is changed so that he becomes ineligible to represent his Voting Unit.

- (k) To have the Employees' Representative present to assist in the collection of all data pertaining to a serious accident. If the Employee's Representative cannot get to the scene immediately following the accident, another Representative or, if none is available, another Employee will accompany Management.
- (l) To avoid interference by Supervisory Employees with the selection of Employee Representatives under the Plan.
- (m) To arrange promptly for a Special Joint Committee to investigate when, in the opinion of a majority of a Committee of Employee Representatives or of Management, there may have been a failure to comply with the provisions of the Plan."

MR. MACKAY: Q. Do you mean the employer's representatives are sitting on the committee, or are they going to bargain with you?

A. That is in relation to election. We have our annual elections and that is to avoid any supervisor coming along to an employee and interfering. As far as we are concerned, it is a very serious item

and we have protection outlined in these clauses.

Q. You are continually referring throughout your reading of the by-laws, or whatever you call them as I hear you, to "Employer" representatives.

A. "Employee" representatives.

Q. We are getting the word "Employer" over here.

A. "Employee".

THE CHAIRMAN: I thought Mr. Oliver misunderstood because he thought the way you were describing it Mr. Mosher would violently object to it as a company union. I could not agree with him, but I think he agrees with me now that it occurred simply because of the acoustics of this room.

THE WITNESS: There is another clause with reference to appeals. This is in relation to our regular organization. Items may occur that need immediate attention. Providing for that they have included an appeal clause:

"Appeals".

When, in the opinion of a Representative or Committee of Employee Representatives, the progress or disposition of any item is not satisfactory, and the normal reference through Joint Conference Committees is not adequate or suitable, such Representative or Committee has the right to appeal through the lines of the Company organization.

When appeals are carried forward through the lines of the Company organization to the Senior Management official of a District or

higher Administrative Unit, the arrangements with Management to hear the appeal shall be made through the Chairmen of the Committees of Employee Representatives of the respective levels concerned. When appeals are carried above the area level, the arrangements with Management to hear the appeal shall be made by the Chairman of the Area Committee of Employee Representatives concerned after consulting with the Chairman of the other Area Committee of Employee Representatives."

That is in reference to our two Areas.

Q. Do you have many appeals? A. We do not have very many appeals.

MR. ANDERSON: Q. Have you had any strikes in recent years? A. Pardon?

Q. Have you had any strikes?

A. I do not believe there have been any strikes since this organization was formed.

Q. You are under the opinion that you have a collective bargaining system now?

A. We believe we have one of the highest and efficient types of collective bargaining.

THE CHAIRMAN: Q. And that is because both sides act in good faith and and want to get along?

A. The success of any plan like this is sincerity of purpose and a mutual understanding and consideration of welfare of all concerned.

MR. HAGEY: Q. Are any dues paid? A. No.

We pay no dues. That is another angle which has us concerned as to whether we are considered as being financially supported by the company.

I understand those who are considered to be financially supported are organizations in which the representatives may be chosen by management and be given compensation in lieu of their pay for their activities. I act irrespective of whether I am here or out splicing cable. It does not affect our wages. We do not pay dues.

THE CHAIRMAN: You are paid by the company for the time you are here? A. Yes; at the same rate as if I were splicing a cable outside of the door of this building.

MR. FURLONG: Q. But the company does not otherwise finance the organization?

A. They provide the committee room and pay our travelling expenses.

Q. This is in effect, this ~~contribution~~ in effect, an agreement between the committee of the employees and the company? A. That is right.

Q. Is it signed by the company? That is, is your bargaining agreement signed by the company?

A. The people who developed the plan have signed their names. Their names are signed on the front.

Q. It is signed by representatives of your employees and representatives of the company?

A. It is not signed by the representatives of employees. This committee which established this

plan sat in joint discussion and it was mutually agreed that this would be an agreeable plan both to management and to the employees by the committee. It was submitted to the higher levels of their management whether or not they would approve it. They are the people who signed it.

Q. In the beginning of this plan there appear a number of names. Some of those names are the names of representatives of the employer and others representative of employees? A. That is right.

Q. Were those who signed this chosen by the employees by ballot? A. Yes.

Q. And without any interference on the part of the company? A. No interference whatsoever.

Q. Then, this is in effect a collective bargaining agreement?

MR. HAEEL: That is what it is.

THE WITNESS: Employee representatives submitted questionnaires to the employees in the field to find if they wished to continue under this plan and whether they wanted another organization or whether they wished to go into a union, and the returns from the questionnaires indicated that 90% of the employees desired to continue under this plan.

MR. GARDHOUSE: Who did you say paid your travelling expenses? A. The company. The company look on this thing with a commendable attitude. I am not trying to boost our management, but they feel it is an integral part of the conduct of their business. They have good, sound employee-employer

relations. Therefore, they are prepared to co-operate and see that all the various grievances and items which might impede the character and the industry of their business are avoided. They are very anxious to avoid that.

THE CHAIRMAN: Q. I suppose the company pay the representatives of management their travelling expenses and pay their salaries? A. Absolutely.

Q. So it should be 50-50? A. After all, we are employee representatives and other people with whom we deal are management representatives. The finances of that organization come from some person up above them.

THE CHAIRMAN: No; they come from us; the telephone users.

THE WITNESS: However, it is aside from that.

MR. MACKAY: Q. Is there any insurance or financial benefit coming from your organization in any way ~~set up by the company?~~ A. No, but I will be very glad to cite some other things which through this plan we have been able to accomplish along the lines of benefits.

Q. Dealing with these benefits you are going to receive suppose your organization came under the name of a shop union instead of a company union, these benefits which you ~~are~~ going to receive would still be maintained in the new organization anyway? Is that not so? A. I could not answer that question. I do not know whether or not they would.

MR. FURLONG: Q. What would happen if you had a

grievance which was not settled? A. Which was not settled?

Q. Is there any clause providing for arbitration in that scheme? A. There is nothing beyond appealing to the president of our company, but in the twenty-three years' history of this plan we have only had, I believe, -- and this is as close as I can estimate -- two cases in which it was necessary to appeal to the president. That was in connection with a particular individual.

Q. In other words, the president of the company is the final court which decides the rights of labour under that scheme? A. That is right.

Q. I am afraid that would not go so well with Mr. Mosher.

THE CHAIRMAN: With only two appeals in twenty-three years I do not suppose there would be a lot of objection.

MR. HABEL: The employees are satisfied with it; that is the thing.

MR. FURLONG: Q. You have chosen your committee of your own free choice by ballot, and that is the committee which will have to negotiate that agreement with the management? A. That is right. Eleven employee representatives sat on the committee with three of the management in its development.

THE CHAIRMAN: Q. It was agreeable to both sides?

A. It was a mutual agreement, an absolutely satisfactory plan as far as those people were concerned when it was submitted to the higher-ups.

Q. It is wonderful what a bunch of Canadians can do when they sit down and commune and figure things out in a general way.

A. It would be very interesting for you to sit in, I think.

MR. HAGEY: Q. Suppose at some future time a group of your employees became dissatisfied with that scheme, or associated or affiliated with some other organization and the majority of the employees were in favour of the new set-up, what would be the position then of the management?

A. I cannot say. I would be going a long way if I assumed I could speak for the management.

Q. But what is your opinion?

A. My opinion is that our company and our management will not interfere with respect to an organization of their employees.

Q. In other words, the majority of the employees would determine who would be the bargaining agency with the management?

A. That is right. At the time this thing was developed, as I stated before, a questionnaire was submitted to each individual employee in the Plant Department of the Bell Telephone Company.

THE CHAIRMAN: Q. Who submitted it?

A. The Senior Committee. It asked for suggestions, or if they were satisfied or wanted another form of organization. Undoubtedly if the returns had indicated that at that time they were dissatisfied with the Plan of Employee Representation it would have come out.

Q. Is there any clause in that constitution which

terminates or ends it in term of life?

A. A five year period.

Q. What do you do at the end of that period?

A. It is in our constitution. This is the language:

"Duration.

The Plan shall remain in effect until October.31, 1944, unless sooner terminated by the Employees through the General Committee of Employee Representatives or by Management. The General Committee of Employee Representatives or Management shall give ninety (90) days' notice in writing to the other of their intention to terminate the Plan.

Six months prior to November, 1944, a General Joint Conference Committee meeting shall be called to review the Plan and to give consideration to modifications and to renewal."

---EXHIBIT 23: Plan of Employee Representation, Plant Department, The Bell Telephone Company of Canada.

MR. FURLONG: How would that conference committee be appointed? Of what members would they be composed? Are they composed of representatives of the employees, only, or both? A. This is for the western area. The eastern area is comparable to ours. These are district committees. The chairmen of each district committee meets on a Division. These people here are selected from the three Division Committees to an Area Committee. A general area committee joint conference would be composed of these six employee representatives

and a comparable number from the eastern area, the general plant manager of the Western Area and the general plant manager of the Eastern Area. That composes it generally.

Q. So you have a representative body of your employees and a representative body of the employer for the purpose of really negotiating a new agreement or changing it?

A. To deal with the plan, if they feel like terminating it, to review the plan to give consideration to modifications or to renewals.

Q. That is what they do in most cases.

MR. GARDHOUSE: With the constitution submitted here to-day there would not be much danger of any trouble like what Mr. Hagey suggests.

---EXHIBIT 24: Plan.

MR. HAGEY: I will go a step further in respect of that.

Q. Suppose we come to the point where the majority of the employees are not in agreement with that and under the terms of your agreement it can be done away with, or that the management says to you, "We are not going to deal with this new group", where would you stand then?

A. This is where we are anticipating the good to come out of compulsory collective bargaining.

Q. Then, it will give you more than you have at the present time?

A. Yes. We are not quarrelling with the principle of compulsory collective bargaining at all.

THE CHAIRMAN: You are getting along in a spirit of good will, and you do not wish to be outlawed?

A. We wish to try to protect an agreement which has been in existence for twenty-three years, and I do not believe there is any other organization which can point a finger at it.

I have submitted a list of major items, and I say "Major items" because there have been many minor ones attended to. It makes a very imposing list, relevant to wages and so on.

MR. FURLONG: Q. You have already bargained collectively, and you have a collective bargaining agreement, so I do not see any reason why you would be opposed to collective bargaining?

A. We commended to the Hon. Mr. Heenan the plan of tabling something along our line of collective bargaining.

Q. The company provides room for the meetings and the company pays wages when you are either working for the company or are on committee business?

A. That is right.

Q. That is, on employee grievances, committees, or any other business? A. That is one of the terms of the agreement.

Q. And do they pay anything else?

A. Absolutely nothing else.

MR. HAGEY: Q. You get nothing for your services as an official or as an officer of the organization?

A. No. We could have an employee of our lower wage section as a representative. He might be getting \$23 a week, but, if he had two years' service with the company, he could be an employee representative. That

would be all the remuneration he would get for his services.

MR. FURLONG: I know of lots of cases in which they have unions as bargaining agents and in which they pay their wages while they are on committee business.

THE CHAIRMAN: The company.

MR. FURLONG: The employee comes along and says "I think I should be paid to-day." It is a question of whether or not he is paid, but I know of cases in which they are.

THE CHAIRMAN: They are not like this committee.

MR. FURLONG: Probably this committee had better join a union.

THE WITNESS: We have something else in connection with this.

THE CHAIRMAN: Are there any other questions any member of the committee would like to ask Mr. Mitchell?

Mr. Brewin, have you any questions?

MR. BREWIN: None, thank you.

MR. FURLONG: I understand Mr. Mitchell has something further to say.

THE CHAIRMAN: I am sorry.

THE WITNESS: We have another feature associated with our plan which is very important. To our Plan of Employee Representation we have developed a set of working practices, governing almost all conditions, working conditions, in our Plant Department.

These working practices were developed primarily as a guide from management to lower management in the

conduct of relations with employees. I believe in 1937, through the efforts of the employee committee they were made available to all employees. In 1940 a revised set of working practices were issued to employee representatives and employee committees for them to study and see if they were satisfactory. There were many changes suggested by the employees relative to certain practices as submitted. A great number of them, on the instigation of the employee representatives, were changed to their satisfaction.

We do feel that any plan of employee representation outside of our own, or where one may be operating, with a set of working practices like this type it would be found very instrumental in assisting in carrying on good, sound employee and employer relations.

THE CHAIRMAN: Q. Have you a copy which you would not object to filing here? A. No. We have no objection to filing them.

Q. If you have an extra copy it would be nice to have it on file as an exhibit. A. Very well.

---EXHIBIT NO. 25: Set of Working Practices governing working conditions of Plant Department, The Bell Telephone Company of Canada.

MR. FURLONG: It is in the order in which it is to be filed, and I do not think it should be incorporated or printed in the record.

THE CHAIRMAN: No; it is pretty voluminous. We can have it filed without having it copied into the record.

THE WITNESS: We have another item of which we are

fairly proud. It has been developed and established through employer and employee negotiations. I speak of a plan covering employees' pensions, disability benefits and death benefits.

MR. MACKAY: Q. Does the front office pay part of that and you pay part out of your salary?

A. No. The conditions were originally submitted by management. Many of the revisions and changes have been instigated and have been due to the activities of employee representatives, on their suggestions and arguments.

THE CHAIRMAN: Will you file that?

A. Yes.

---EXHIBIT NO. 26: Plan, Employees' Pensions, Disability Benefits and Death Benefits, The Bell Telephone Company of Canada.

THE WITNESS: Well, gentlemen, I do not believe there is much further we can add. I hope we have indicated that we have a sound organization which has been effective and which has worked very favourably in the interests of employees throughout its history.

We would certainly like to see some provision made in a compulsory collective bargaining plan of this type which might continue as a means of negotiation between employees and management depending on the desire of the employee bodies.

MR. FURLONG: In other words, briefly, your position is that you are not opposed to compulsory collective bargaining but you do not want any provision in any act which would jeopardize your

present organization? A. That is right.

Q. Is there anything further, Mr. Mitchell, you would like to present? A. There is nothing further which I have prepared. However, I would be very glad to answer any questions anyone might care to ask to the best of my knowledge.

MR. BREWIN: My friend, Mr. Laskin, has mentioned this point. It might be of some interest. I do not know whether Mr. Mitchell can answer it. Is the Bell Telephone Company not a public utility? As a matter of interest I was wondering if the Bell Telephone Company, a public utility I imagine incorporated under the laws of the Dominion of Canada, under special statute, would be subject to any Ontario legislation in regard to collective bargaining?

THE WITNESS: I would not like to say definitely, because I am not prepared to make a definite statement, but our understanding is that our wages and working conditions, and hours of work and things like that, are dependent upon the laws of the country.

MR. FURLONG: There is a possibility of that playing a part in it. There is a possibility of an Ontario Act affecting it if the company has played a part in the control or the formation of the union. Then there is also the point as to whether or not you are solely a provincial organization.

MR. GARDHOUSE: Would they not be more or less in the same category or of the same status as the Canadian National Railway men?

THE WITNESS: No. There are two areas: One is Ontario and the other is Quebec. That is an unfortunate feature in respect of this proposed compulsory collective bargaining. We fear if by reason of legislation our plan of employee representation was eliminated in Ontario it would affect the plan in respect of employees in Quebec.

MR. FURLONG: We will consider that point when the time comes to consider it.

HON. MR. HEENAN: With reference to the pension plan, can the company stop paying into it at any time they wish?

THE CHAIRMAN: Not unless they violated the agreement, I think.

THE WITNESS: This is something which has been in effect since 1917, I believe. They go so far in their provisions, I believe, as to guarantee pensions, regular, steady pensions to all employees who are on pension, those who are in the employ of the company, but they do reserve the right to terminate this plan at a later date. Obviously, if the plan has been solely financed by them, it would be hard to make any other stipulation. However, the indication has been through the years that we have no reason to fear they will terminate it. It is one of the features which has assisted in maintaining and developing good, sound employer and employee relations.

HON. MR. HEENAN: The point I wished to bring out was: It would be a great inducement for the men

to give continuous service for a great number of years. Men are looking forward to becoming sixty-five years of age, at which time they get their pension, but it is possible that the railroad company or the telephone company at that point, when a man is getting around sixty-two years of age, would dismiss him so they would not need to carry it on any further.

THE WITNESS: There are three classifications of pensioners in there. A man may have fifteen years' service and go on a disability pension.

THE CHAIRMAN: It all dwindles down to the good intentions of both parties. They contact each other on a friendly basis, they trust each other, and, for the benefit of both sides, they go ahead in a spirit of fair play and partnership and work out matters to the benefit of both.

MR. FURLONG: Anybody can break anything they wish.

THE CHAIRMAN: Surely.

MR. BREWIN: Perhaps Mr. Mitchell can tell us how they are incorporated, or whether they are under Dominion Statute or whether they are under a special public utilities act.

MR. FURLONG: I believe there is some exception, but how far it goes with regard to a local union I am not prepared to say.

MR. BREWIN: Q. You are not incorporated at all?

A. No.

MR. BREWIN: I am referring to the Bell Telephone Company. Provincial legislation may not be competent to

deal with the relations between the employers and employees in a public utility incorporated and controlled by the Dominion authorities.

MR. NEWLAND : I do not think Mr.Mitchell could answer that question.

MR. FURLONG: No.

MR. FINKELMAN: The Bell Telephone Company is incorporated under a Dominion Act. At one time, I believe some doubt arose as to their right to operate on the streets of municipalities in Ontario. They obtained a special Ontario bill. One municipality forbade them to break up the city streets, and the Bell Telephone Company claimed that it had the right to operate on the streets by virtue of its Dominion charter, and that provincial legislation was invalid. The courts held at that time that in so far as the company was concerned it was incorporated under Dominion laws. I believe, although I am not sure, it was subject to valid provincial legislation.

A. We have asked that question of our management and they have come back after contacting their legal department and said that it would be about a 50-50 proposition as to the jurisdiction. Some of it is in Ontario. In respect of rates, and things like that they are subject to the Railroad Board's decision.

THE CHAIRMAN: And probably under, in respect of civil rights, provincial jurisdiction.

THE WITNESS: Yes.

THE CHAIRMAN: Which is a good thing for the

lawyers. We cannot settle that here to-day.

MR. FURLONG: Q. Is that all?

A. That is all.

Q. Have you any other witness you would like to call?

A. No.

MR. FURLONG: Mr. Chairman, that is all I have for this morning.

THE CHAIRMAN: Mr. Mitchell, we want to thank you. You have enlightened us to a very great extent in respect of another angle of this question. You have been very careful about it.

THE WITNESS: Just before I leave, Mr. Chairman, I submitted a list of changes to wages and working conditions when I came in here this morning, and I wonder if it would be in order for me to read it to the committee?

MR. FURLONG: That has to do with the different things you have solved with your company?

A. The point I want to bring out would indicate that we do not operate as a fraternal association. We achieve things in respect of working conditions.

THE CHAIRMAN: By negotiation.

I think it should be copied into the record.

THE WITNESS: Thank you.

---Submitted by Mr. Mitchell:

"CHANGES TO WAGES AND WORKING CONDITIONS

1934 - 1942

1934

"Hours for District Office Clerical Forces

changed from $7\frac{1}{2}$ to 7 per day.

When the Company requires employees to work seven or more consecutive days, overtime to be paid for seventh day.

1935.

Vacations of two weeks require five years of service instead of ten.

Male overtime employees of 10 or more years' service granted payment for first seven days of absence in S.D.B. cases.

Overtime unlocated employees granted payment of overtime at Schedule "B" rates.

Overtime unlocated employees increased \$2.00 per week by decreasing the Board and Lodging deduction from \$8.50 to \$6.50 per week.

Tools used by telephone crafts to be supplied by Company; other crafts to furnish their own tools; special tools to be supplied by Company.

Vimy Pilgrimage granted.

Heaters and defrosters placed in trucks.

1936.

Hours of work for Line Chauffeurs reduced from 50 to 44 hours per week in Montreal and Toronto; 54 to 48 in five other cities, and from 56 to 50 in Zone #3, #4 and #5 towns, resulting in higher basic rates for the computation of overtime.

Unlocated employees paid at Zone #3, (Schedule "B") rates when located, instead of Zone #4 or #5 rates when in those localities.

Garage group in Montreal reduced from 60 to 50 hour working week. Rate per week reduced \$1.00.

All groups working 50 hours per week reduced to 48 per week.

Evening and night differentials and Sunday premium time introduced.

1937.

Time worked after 1:00 p.m. Saturday granted as overtime.

Female overtime employees of 10 or more years' service granted payment for first seven days of absence in S.D.B. cases.

Hours for Windsor changed from 48 to 44 per week.

Crafts other than telephone crafts granted 44-hour week in Montreal, Toronto and Windsor.

General upward revision of Telephone Craft Wage Schedules.

Senior Telephone Craft rate established at \$4.00 per week above maximum rate for class. Senior Station and P.B.X. Repairman titles authorized.

Class #4 Schedule introduced for Splicers' Helpers engaged after June 1st 1937.

Overtime unlocated employees increased \$1.00 per week by reducing Board and Lodging deduction from \$6.50 to \$5.50 per week.

Sudbury, Peterborough, Montreal, Toronto, Hamilton, Ottawa, Quebec and London placed in

higher wage zones.

Clerical Wage Schedule introduced.

All clerical forces placed on 39-hour week.

Plan of Employee Representation translated into French.

1938.

General changes to Working Practices,
including:

Travelling time paid at Schedule "B" rate for
overtime unlocated employees.

Unlocated employee temporarily living at
home paid on the basis of the board and lodging
differential instead of the estimated value of
board in that locality.

Seven days' notice required before an employee
may be assigned to a newly established trick,
or payment of overtime in lieu of such notice.
Return to work of one day or less does not break
continuity of sickness.

Class of Regular Labourers established.
Formerly these employees were always "Temporary
Weekly".

Class of Wire Chief established, with monetary
differential above Combinationman's rate.

Safety Code issued in French.

Leave with pay for training in Naval,
Military and Air Service granted.

Vacation practice changed to give one week
after one year of service; two weeks after two
years, four weeks after 40 years.

1939.

Wage Guide for Buildings, Vehicles and Supplies forces put into effect.

Representatives supplied with copies of Working Practices.

Representatives supplied with copies of Wage Schedules.

Vacation practice changed to two weeks after one year of service (or 3 weeks in December, January, February or March), three weeks after 21 years; four weeks after 35 years.

Departmental sickness payments made applicable to all overtime employees from the third day of absence.

Bonus of \$1.50 per week, or \$6.50 per month, for Telephone Craftsmen located in Sudbury, May 1st, 1939.

Class #2 Schedules added to Unlocated Wage Schedules for Station Conversion work only.

Employees (with dependents) in the service prior to September 1st, 1939, and on leave of absence for military service, granted an allowance not exceeding half pay. Employees without dependents granted leave of absence. Leave includes eligibility to death benefits, an undertaking to re-employ, and credit for period of service.

1940.

Belleville, Brantford, Chatham, Cornwall, Galt, Guelph, Kingston, Sherbrooke and Trois-

Rivieres changed from Zone #4 to Zone #3.

Burlington, Drummondville, Levis, Oakville, St. Hyacinthe and Simcoe changed from Zone #5 to Zone #4.

Time worked on holiday paid at Schedule "B" rate.

Port Credit, Scarboro and Longueuil changed from Zone #5 to Zone #3.

L'Abord-a-Plouffe and Pointe Claire changed from Zone #5 to Zone #4.

Time at work divided into sessions and sickness absence paid by full-session periods.

Unlocated employees granted a trip home once each year at vacation.

Accident and Sickness Disability Benefit scale raised, effective January 1st, 1940, for employees having 15 years of service and over.

The first two six-month groups of the Elevator Operators' Wage Guide condensed into one group at 12 months, and the rate for this group increased by \$1.50 per week over former Group #1, and by 50¢ over former Group #2.

Employees permitted to assign portion of wages to buy War Savings Certificates by instalments.

1941.

Unlocated Wage Schedules cancelled and all employees placed either on a located basis, with fixed headquarters or in General Area Group with Zone #5 rate, and Board and Lodging provided.

Increase in wage for unattached forces ranging from \$2.00 to \$3.50 per week.

Trip home every two weeks provided for all employees working outside their headquarters. Similar treatment provided for General Area Group. All such travelling to be done on employees' time.

General Area Group may move their homes from a higher to a lower zoned locality at Company's expense, any time up to nine months after transfer.

General Upward revision of Wage Schedules and Wage Guides.

All employees who voluntarily enlist in the Canadian Active Service Forces and who, at the date of enlistment, have to their credit one or more years of service, granted two weeks' pay in addition to any vacation allowance to which they may be entitled.

Introduction of a Cost of Living Bonus, in accordance with P.C.7440.

1942.

Introduction of Salary Deduction Plan to permit employees to purchase Victory Bonds by instalments.

At least seven days' notice shall be given employees who are changed from any scheduled tour of duty to another. Previously this applied only in cases of transfer from a day trick to an evening or night trick.

Unattached employees who are laid off, resign, enlist or who are dismissed for inefficient work granted a meal allowance of 75 cents if the travelling time from the job to their homes embraces meal time.

Employees who voluntarily enlist in the Canadian Active Service Forces, employees who are called for duty (other than attendance at a training camp) under the Militia Act, and employees who are called out for training, service or duty, under the National Resources Mobilization Act, 1940, with service credits of six months or more, but less than two years, granted Leave of Absence (without Death Benefits) with credit for period of absence.

Working Practices for Regular and Temporary Full-time employees approved for Regular and Temporary Part-time employees scheduled to work 30 hours per week or more. This change extends to these employees' vacations with pay, statutory holidays with pay and payment during first seven days' sickness absence, etc.

Alternate five and six day work weeks approved for evening C.O. employees similar to that previously in effect for night employees.

Adoption of employee suggestion - 'When employee is travelling on his own time and transportation is provided by the Company, such travelling time shall be considered to be in

the course of employment for Accident Benefit Purposes'.

Upward revision of tentative Wage Guide for female C.O. Routiners.

Extension of sickness policy - no loss of time for employees with 10 years service and over."

THE CHAIRMAN: Is there anything else?

MR. FURLONG: That is all this morning, Mr. Chairman. We have the United Electrical Radio and Machine Workers of America to be heard this afternoon.

MR. NEWLANDS: Is that the Otis of Hamilton?

MR. FURLONG: The United Electrical Radio and Machine Workers of America, Toronno, sir.

THE CHAIRMAN: If there is nothing further this committee stands adjourned until 2 o'clock p.m.

---Whereupon, on the direction of the chairman, the committee adjourned at 12.30 p.m. until 2 p.m.

THURSDAY, MARCH 4, 1943

AFTERNOON SESSION

---On resuming at 2 p.m.

MR. FURLONG: I overlooked this morning depositing these cards. There are about fourteen of them here, signed by a number of the Canadian Seamen's Union. They read as follows:

"I, a citizen of Ontario, urge you to introduce and adopt a genuine collective bargaining bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labor-management co-operation and national unity to win this war.

It is apparent that small but powerful selfish groups have loosed a reckless campaign to prevent the enactment of the legislation you promised to enact. Your Government must not capitulate to that reactionary pressure.

I urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who want unity, and all-out effort, and a democratic labor policy in accord with the modest wishes of organized labor."

MR. MACKAY: Are they all the same?

MR. FURLONG: They are all the same. The first one seems to be signed by a man of the name of Pat.

Sullivan.

---EXHIBIT 27: 14 postcards signed by members of the Canadian Seamen's Union.

MR. FURLONG: The United Electrical Radio and Machine Workers of America are now to be heard - Mr. C.S. Jackson.

REPRESENTATIONS OF UNITED ELECTRICAL, RADIO
AND MACHINE WORKERS OF AMERICA

C.S. JACKSON, Sworn.

WITNESS: I have a few copies of the statement here. There are not enough for every member of the Committee.

MR. FURLONG: Q. Mr. Jackson, the union you belong to, I gather from this letterhead, is affiliated with the Congress of Industrial Organizations and the Canadian Congress of Labour?

A. That is correct.

Q. Where are your headquarters?

A. International headquarters are in New York, and our Canadian headquarters in Toronto.

Q. You are a branch of the American organization?

A. Correct.

Q. Is your charter granted by the American New York organization?

A. It is, yes.

Q. Then you are controlled from New York?

A. It depends on how you use the term "controlled", Mr. Furlong.

Q. You might tell me what control if any they exercise?

A. The reason I put that answer in that way is because of the manner in which the press

has from time to time dealt with this question of the relationship between a Canadian section of an international union and their international body. We are subject to the constitution of that body, and we did participate in drawing up that constitution. However, on all matters of general policy and operation in Canada we have complete autonomy, exercised through a district council made up of the membership of our union in Canada.

Q. I presume your local officers are elected by your local members? A. That is correct. They are elected by the Canadian membership.

Q. And that you handle your local affairs solely within your own body? A. Correct.

Q. What office do you hold with that organization? A. I am International Vice-President, sit on the general executive board of the international union as the representative of the Canadian membership, and elected to that position by the Canadian membership.

Q. You are elected by the Canadian membership?

A. That is correct.

Q. Is that international body made up of other members from the States as well as from Canada?

A. It is. It is made up of three officers, - the President, Financial Secretary, and Director of Organization, plus eleven international vice-presidents, each of which are elected by the membership in their particular geographical district. The United States and Canada is divided into eleven geographical areas, Canada being one of those, known as Area No. 5, or

District No. 5. I might add that the bulk of the international officers on that executive board are workers employed in plants; they are not full time officers. The executive board, the international vice-presidents, are not full time officials of the union. They are elected representatives from the rank and file.

Q. You have a statement to make, Mr. Jackson. Will you proceed with it please?

A. I have a statement here that in part attempts to summarize some of the experiences of our membership in the Province of Ontario, particularly during the last several months. However, before introducing it I would like to say a few words in general.

In the first place, in coming before your Committee today we did not bring with us the representatives of our membership from the plants. There are two reasons for this. In the first place, we have had close to five hundred of our stewards from the various plants, some thirty odd plants in Ontario, who have signified their desire to appear before this Committee either in a body or in separate groups from each of their localities. In view of our primary interest in maintaining maximum production we did not feel it was advisable to bring such a large delegation away from the shops at this time. On the other hand, some of these delegates will be appearing before your Committee as parts of delegations on a community scale from some of these localities. I have particular reference to the City of Welland, where I believe a

delegation representing the workers of that town, and accompanied by various representatives of the community, have made an application to appear before your Board. I believe the same is true of the City of Hamilton, and possibly of some of the other areas.

MR. MACKAY: Do you think that these deputations coming in as part and parcel of your organization will add anything to what you are going to give us?

A. These other deputations coming in are not only part and parcel of our organization. The delegations are made up of representatives from all the organizations in the areas, and are accompanied in many cases, I believe, by representatives of the clergy, of the city councils and other prominent citizens. So they are a more general body than this specific union body. For that reason only myself and Mr. Russell, who is with me here today, a member of our staff, have appeared on behalf of our organization, as I said.

There are one or two other remarks I would like to make before I proceed with this document, which have a bearing on the rights of individuals working in plants today to petition the Government and this Committee on the question of implementing a collective bargaining bill. I presume that it is the inalienable right of any citizen of this country at any time to petition his Government on any matter of law or legislation, and that it would be, therefore, an obstruction of the rights of an individual in a democratic country if anyone were to interfere with a citizen carrying out his right of circulating or participating in a petition

of this kind. We have instances of this occurring in the last two or three weeks in some of our plants. I would like to mention specifically two instances.

The Atlas Steel Company in Welland, Ontario: one of the employees was circulating a petition, asking for support in his petition for a collective bargaining bill. He had that petition in his lunch-box in the plant, and had some several names on it, including the name of a foreman. He went to his lunch-box one afternoon about four days ago to get this petition, to get other names who had signified their desire to put their names on the petition, and the petition was missing. He went to the plant policeman. By the time he got back to his lunch pail the petition was back in his lunch pail but mutilated. The bottom of the petition was torn off, the part that included, I believe, the name of the foreman. When he tried to have some satisfaction on the question of why anyone should have the right to go into his lunch pail, the security policeman took the document from him, and to my knowledge the document has not yet been given back to him.

A second instance of a different character: the employees of Small Arms Limited here in New Toronto requested of their management the right to circulate such a petition in the plant. The right was denied on the ground that, because the company was already bargaining collectively with this union, it was of no concern to the employees whether or not a collective

bargaining Bill was passed in the Province of Ontario.

I suggest to the Committee here that some public statement of the rights of individuals to participate in such petitions having a bearing on this matter of law should be given to the press at this time in order to give the individual citizens of this Province protection in their right to so petition their Government.

MR. FURLONG: I think that the powers of the Committee are limited by the resolution of the Legislature, and I do not think this Committee can go outside of those powers, which are to investigate and hear what you are saying.

WITNESS: Do I gather that this Committee has no power as to protecting a witness or protecting an average citizen in his right to petition his Government?

MR. FURLONG: This Committee has not any such power. The only power it has is set out in the resolution of the Legislature, and that is to investigate collective bargaining.

WITNESS: I thought in bringing this to your attention --

MR. FURLONG: You say those men have a collective bargaining agreement?

WITNESS: Yes.

MR. FURLONG: If they have, and they desire to circulate petitions, then they ought to have a clause in their collective bargaining agreement with the company permitting them to do that. It is a question of agreement with their employer, I would think.

WITNESS: A question of agreement in one sense; it is also a question of whether or not an employer in such an instance should have the right to stand in the way of that desire of his employees.

There is another point I think, before I proceed. It is a matter which was not included in this brief which was made up a few days ago. I think, on the basis of having been here the other day and heard some of the questions, that it should have a little explanation. That is, the present method in Canada of having a vote secured in a plant to indicate or decide the bargaining agency.

As matters stand at this time - I do not know the wording of the Act under which it actually applies - any group of employees petitioning for a vote cannot secure that vote except by first having a Government man, either an investigator or conciliator, appear on the scene. That investigator or conciliator has no power to order a vote. His powers are apparently limited only to bringing the two parties together, the management and the employees, and if he can secure agreement on the part of the two parties to the taking of a vote, then a vote may be taken. If, on the other hand, the employer does not choose to have such a vote taken, then no vote can be taken. The conciliator has no such powers. That then requires the organization to apply for a board of conciliation. In order to do so they must take a strike vote, raising in a plant the issue of a strike in order to achieve conciliation, which is the means of avoiding a strike

later - an anomalous position, I suggest.

Further, when a commissioner appears on the scene, that commissioner has the power to order a vote, but if the management of the company concerned do not choose to have that vote taken on their premises, there is nothing to my knowledge in the Act that gives the commissioner the power to take such a vote. This means then that it is either no vote, or that a vote be taken outside the plant under extremely difficult conditions, where it is problematical as to how many of the employees would actually have a full opportunity to cast a ballot in such an election. The result is, of course, that very few votes are taken outside. The result nine times out of ten is that if the employer says "No vote", there is no vote. And there is nothing in the law to define how or at what stage a vote should be taken in a plant, as to whether or not a union petition for a vote has to have 35%, 45% or 55% of the membership before such a vote will be given.

There are a number of these questions which I think are important that this Committee have information on, because they are problems that arise in the framing of any collective bargaining bill. They are the questions of the mechanics of providing that measure of recognition of the organized expression of a group of employees prior to, and as a part of, determining the right of collective bargaining, or the collective bargaining agency. And these are questions which today are very vital, because as a result of this indefinite situation in many plants in

Ontario there is today extreme tension among the employees, confusion, and a definite diversion from the primary tasks of production, which are the basic concern of all the working people.

These are matters which make it important that there be a collective bargaining bill with full protection and full definition as to when a vote may be taken, how it shall be taken, and what will be provided in the way of protection following the taking of such a vote.

The document that I have presented here today is a document which in the main deals, as I stated before, with some of our experiences. It starts off with a general summary of the functions of this Union, -

"The United Electrical, Radio and Machine Workers of America, an International Organization affiliated to the Congress of Industrial Organizations in the United States and to the Canadian Congress of Labor in Canada, wishes to present to your Committee some of the experiences which its members have met with in the course of seeking to establish their right to organize and be recognized by their employers.

District Five of this International Union covers the whole of Canada insofar as its jurisdiction is concerned. The present membership of this District is approximately fifteen thousand. Its members are scattered throughout the Province of Ontario in the main and are employed in some

"thirty vital war industries. The total number of employees to be found in the plants in which this Union is at present conducting organizational work exceeds the sixty thousand mark."

And therefore affects a very vitally important and large section of the industrial war production in this Province.

"This Union is dedicated to the primary task of making maximum contributions to the winning of this war."

And here I might suggest that there is a considerable amount of literature available, if this Committee would wish to scrutinize it at any time, indicating to the full that that is the primary purpose of this Union in this war period. In fact, I think different of the members here present have received in the mail a copy of a policy statement from this Union within the last two weeks.

"We strive to establish the highest degree of Labor-Management co-operation in realizing maximum production in these vital war plants. We have been instrumental in the establishment of Labor-Management Production Committees in several of our plants, to wit, Small Arms, Limited, New Toronto; Coulter Copper and Brass in Toronto; Canadian General Electric plants in Toronto; Otis Fensom Elevator Company in Hamilton."

MR. NEWLANDS: Have you an agreement with Otis Fensom now? A. We have no agreement. When

I say we have been instrumental in establishing labor-management production committees, there is quite a history to that. They have such a committee today. It gives no virtual recognition to the union, but it arose as the result of continued agitation for such a committee on the part of the Union, and by the Union bringing National Selective Service into the picture in the person of Mr. Chant, and the result was the establishment of a labor-management committee in that plant, modelled in part on the lines suggested by this Union.

"Our Union is committed to a 'no strike' policy for the duration of this war, with a realization of the fact that unscrupulous employers would take advantage of this policy to obstruct the normal course of developments of proper relations between the organized employees and the management.

In making this appeal to your Committee for the implementation of the Collective Bargaining Bill which will protect the fundamental democratic rights of a citizen to choose his own organization and to be guaranteed the right to bargain collectively and arrive at a Collective Bargaining Agreement with his employer, we desire to impress upon your Committee the fact that Labor, having given up its fundamental economic weapon for the securing of justice and equality in bargaining power, should be protected thereto. The measure of that

"protection should be in terms of a guarantee that having made its choice as to bargaining agency, Labor to be then guaranteed that the employer will enter into negotiations in good faith with a view to arriving at a Collective Bargaining Agreement.

Our Union in the United States and Canada has a total membership of 525,000 members. It has established contractual relations with close to nine hundred individual companies and plants. Its peace time record of uninterrupted production is exceedingly high, less than 1.8% of the membership having been engaged in any stoppage of work during the period of 1940-1941. During the period of 1942, the percentage of lost time on the part of our membership as a result of stoppages of work has dropped down to less than one percent.

Over sixty thousand members of our Union are at this date in the armed forces of our two countries, and our membership is moving into the armed forces at the rate of ten to twelve thousand per month. Our ties therefore, with the armed forces are a major factor in the policies which our International Union carries into effect in our two countries. In both Canada and the United States, our Union is in the forefront in the establishment of Labor-Management Production Committees. To indicate this in its full measure,

"we point out that out of some sixteen hundred Labor-Management Production Committees reported in operation by the War Production Board of the United States, four to five hundred of these are to be found in plants under agreement with the United Electrical, Radio and Machine Workers of America. Our Union has been the recipient in the United States of numerous awards -- Army and Navy 'E's' and 'Stars' and other such production awards as are current in that country. The record is as follows:- 18 Navy 'E's', 38 Army-Navy 'E's', 9 Navy Stars, 1 Army-Navy Star, 2 Maritime Commission 'm's'.

The Canadian District of this International Union operates as an autonomous body. Its policies are set by District Council Meetings at which the Canadian Membership of this Union, through a delegation of authority on the part of the Local Unions, discuss and decide upon its policy subject to ratification by the membership in each of the Locals in the District.

The finances of the Organization are met in part by the dues which come from the Canadian members and added to by contributions from the International Office in the United States. The proportion runs as follows:- for each \$1.00 contributed by a Canadian member to the organizational fund of this Union in Canada, the International Office provides at least \$3.00. Therefore, the flow of money in regard to this

"International is strongly from the American side."

We would like to point out that the reverse is true in the case of the major corporations with which this organization is dealing.

MR. MACKAY: What do you mean, the reverse is true?

A. That the flow of funds is in the opposite direction. As, for example, in the General Electric Company where 95 to 97 percent of all income earned by that Company is paid over to the American company, and likewise with other companies.

Q. You mean corporations? A. Right.

"The staff of this District is 100% Canadian, and its policies as set out above, being the product of the discussion of the Canadian membership are likewise 100% Canadian. The membership of this Union is kept fully informed of the activities of its officers through the medium of monthly financial reports from the International Office to our Local Unions, and through the medium of audited quarterly financial statements to the Canadian membership from their District. The wages of the officers of this International Union are set by constitution so as not to exceed the highest wage paid to production workers in the industry. The Constitution of this International Union and its subsidiary Districts is based upon providing maximum autonomy to its Local groups in the interests of

"building up democratic responsibility on the part of its members."

I might add that out of each dollar that it has collected sixty cents remains in the local treasury to be administered by the local membership. It is a higher proportion than is evident in many international unions.

"In presenting the following material for your perusal, we are motivated by a desire to show this Committee how the democratic rights of workers in this country are subverted in the interests of selfish motives on the part of many managements, and to further indicate to this Committee the extreme dangers which lie ahead in Canada if no halt is put to the activities of managements now attempting to put over on their workers various subterfuges as mentioned in our Brief. We implore you to recognize the dangers of interruption of production arising out of the many acts of intimidation, discrimination and outright provocation which are prevalent in the war plants of this country."

THE CHAIRMAN: Would you mind expanding on that last sentence? A. Provocation?

Q. Intimidation, discrimination and outright provocation. A. Later in the brief you will have that expanded considerably. That is the purpose of the brief, the main body of the brief deals with

the substantiation of that. The next section of the brief, which I do not think it is necessary to read, is dealing with the statements of various Government officials leading up to the establishment of this Committee.

---Reporter's Note: The section of the brief referred to is as follows:

"In this hour of the impending offensive in Europe, the workers, because of their knowledge of the character of the war, and their blood ties with the fighters overseas, are primarily interested in production. Naturally, anything that distracts their attention from this basic concern, such as inadequate wages, uneconomic working hours, discrimination and denial of their democratic rights, acts as a check to production.

During the past two months, Premier Conant, Mr. Heenan, the Minister of Labor, Mr. Hepburn and other government officials have announced to numerous workers' meetings their intention of introducing a collective bargaining bill and thus eliminating the basic cause of the disruption of production in Ontario's war plants, and giving labor something in return for its sacrifice of the strike weapon, which, in the main, it has voluntarily given up."

WITNESS: "The reaction that has set in amongst the workers, upon learning that this bill has not been introduced and that there is a danger

"of the entire legislation being snatched away from them, has resulted in a rapid destruction of morale. Moreover, the encouragement given to recalcitrant employers by the delay in introducing the bill has brought about an increase in provocation, which is throwing the workers back into a frame of mind, in which they hold that only direct action will succeed in winning their democratic rights.

The type of provocation which is prevalent in Ontario is well illustrated by the experience of the United Electrical, Radio and Machine Workers of America, District Five (Canada), in its recent organization campaign.

In 30 of the 33 plants where the U.E.R.M.W.A. has undertaken to organize the employees, some form of company union has made its appearance."

MR. FURLONG: Is that in Ontario?

A. That is in Ontario.

"Simultaneously with the organization campaign of the bonafide trade union, management, either directly or indirectly, has stimulated the organization of a company union. Such activity has obstructed legitimate trade union organization and has denied to the workers their democratic choice of the organization which they desired to represent them.

Latent Company Unions

In most plants, some form of management-

"dominated organization exists amongst the employees for recreation, sick benefit or other welfare purposes. Although for the most part dormant or inactive, they were originally formed in most cases at a time when the employees of the plant were starting to organize into a legitimate trade union. These clubs or associations, when they are active, operate with the co-operation of the management. They are not membership organizations with dues-paying members, and a democratic constitution, although in some cases a monthly fee is collected for sick benefit purposes. In no case do they represent the employees of the company united for the purpose of bargaining collectively with the management.

Revival of Company Unions

Upon the appearance in the plant of a bona-fide trade union, a revival of these clubs occurs. Sometimes company union activity occurs immediately the workers approach the union.

In the case of the PARKER PEN, Toronto, the company, through its spy system, learned within one week of the intention of the union to organize its workers. It immediately sponsored a feverish campaign to establish a company union and rushed through a company-arranged vote with improper ballots, before the union had an opportunity to approach the workers and explain its program. Despite this fact, and although the

"union had only a very few members, the company union received only a slight majority. Nevertheless, the company quickly signed an agreement with the company union to discourage its employees from further attempts at trade union organization.

In a case of this type, the lack of collective bargaining legislation outlawing company unionism, places a distinct handicap on the trade union, in that it is not able to bring its program freely and openly before all the workers so they may exercise their democratic choice of the organization which they wished to represent them, -- on the basis of knowledge of what is involved in the choice -- without meeting with the interference of company union activity.

The fact that the union is required to have a majority of the employees before the Commissioner will recommend the holding of a government-supervised vote means that the union has no redress against company union activity, and has to prove its strength twice over. The union is opposed to showing its membership cards unless there is a government guarantee that, on such a showing, if a majority is proven, the company must then recognize the union and bargain collectively and arrive at a signed agreement."

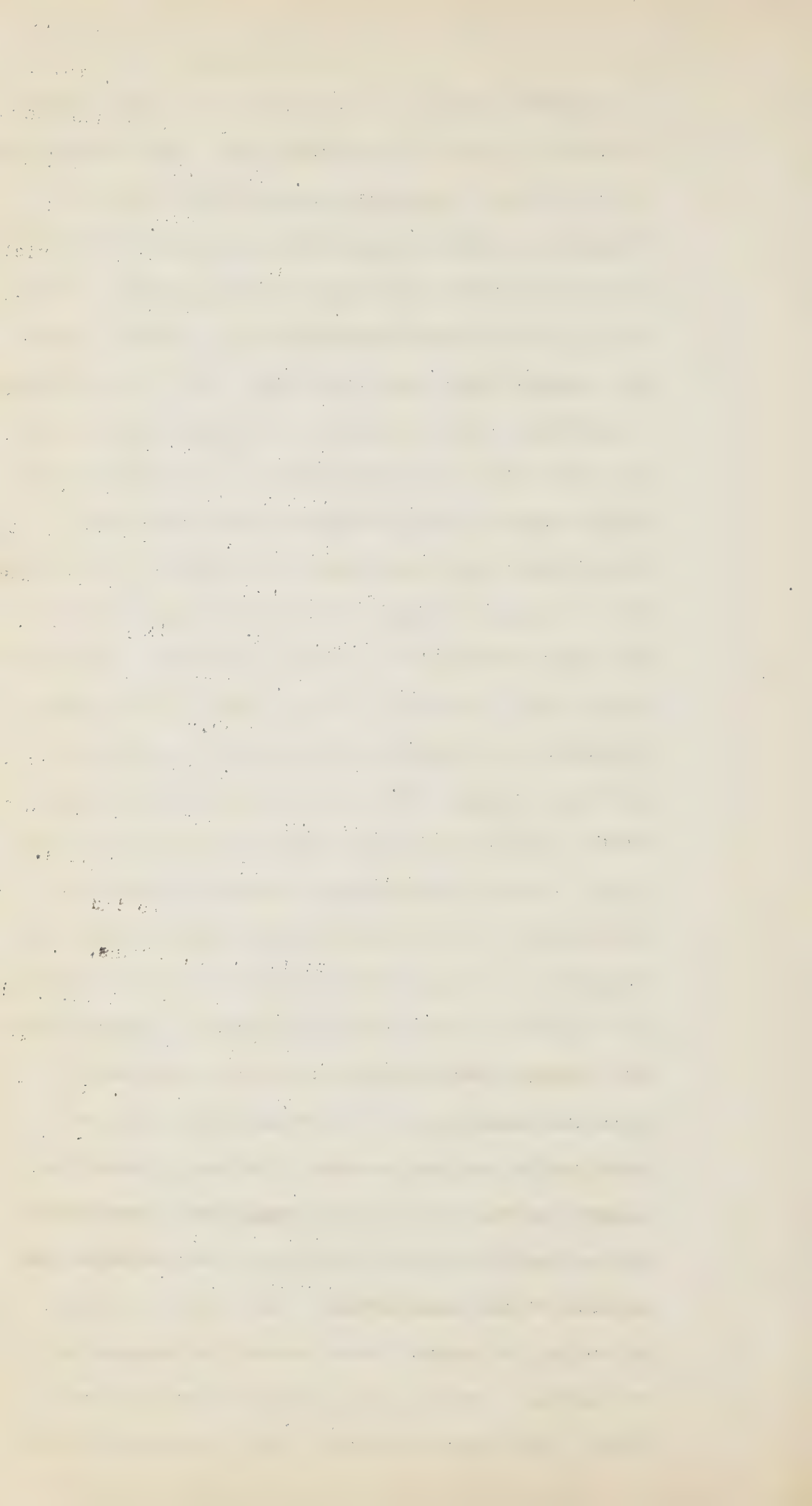
I would like to emphasize here that this is a critical point and important point in any collective bargaining relations, that the request that a union

show any commissioner or government agents membership cards as proof of its position in the plant would be agreed upon if there were some guarantee that, having proven a majority, there would be no need for a vote, but there would be immediate recognition of that authority and negotiations.

"It should be pointed out that, where a company union has made its appearance, it is sometimes granted all the powers of a bonafide trade union during the government-supervised vote. This was so in the case of the ALUMINUM COMPANY, Kingston, where during the government-supervised vote requested by the union, the Employees' Council (company union) was given all the powers of a legitimate trade union."

(Page 303 follows)

"However, even in a case where the workers clearly indicate by means of a majority vote, their desire to have the union represent them as their collective bargaining agency, managements have persisted in their attempts to foist the company union upon them. This was so in the SAWYER-MASSEY COMPANY, Hamilton, where the company union came into being after the government-supervised vote resulted in a distinct victory for the union (253 for, 131 against.) However, when the union proposed to the management that collective bargaining negotiations should be opened, the attitude of the management appeared to have changed, and it was found difficult to arrange a meeting. About three weeks later, after the vote and contrary to company promises, the Sawyer-Massey Employees' Association came into being. Five or six people, who, employees state, are good friends of the Superintendent of the Plant, began by approaching employees to join the Association. Representatives were picked from each department to form a Works Council, and these people were active in soliciting memberships. Various types of pressure have been used to induce employees to join the Association. R.R. Evans, K.C., a lawyer retained by the Sawyer-Massey Limited, is also the lawyer for the Sawyer-Massey Employees' Association. He is reported to have drawn up the constitution and by-laws of the Association. Mr. Evans was called in during the negotiations between the company and the union. Here it can be clearly seen that even after a government-supervised vote had indicated the



desire of the workers to have the union represent them, a company union was foisted upon the employees and used as a buffer between the company and the union.

"The case of UNDERWOOD ELLIOTT FISHER, Toronto, illustrates the flagrant imposition of a company union against the wishes of the majority of the workers.

"Less than one week after the union began organizing in this plant, the company called a general meeting at which the President read a prepared speech attacking the 'outside union' and proposing the formation of a company union. Feeling this haste to be undemocratic, an employee suggested that the matter be tabled for two weeks so that an opportunity could be given for both the union and the management to present their case, and that a Department of Labor man should be called in to supervise a vote.

"Management finally agreed not to hold a company vote for two weeks. This pledge was broken, for two days later the company proposed the election of a nominations committee for the officers of a company union in each of the two divisions of the plant, manufacturing and service.

"When these two committees were elected, they were composed almost 100 per cent of union members. The recommendation of each was that a government vote be taken as soon as possible to determine the wishes of the majority regarding the union of their choice.

The company's answer to the proposal of the democratically elected committees was to have them suspended by the Personnel Manager, and to refuse to recognize them any longer.

"Since the democratic rights of the workers were being flouted in this way by company policy, the union called in the Department of Labor. But the company, aware that the investigator had no powers and that all he could do was to recommend a Board, turned a deaf ear to his recommendation for a vote.

"Further intimidation of union members was carried on. Management called a number of workers one by one into the company office and intimidated them into signing a letter requesting that they be allowed to withdraw from the union. 12 union members were discharged on the grounds of 'lack of work,' although the department in which they were employed was engaged exclusively on war work.

"Another tactic of the company was to start rumours to the effect that they were willing to grant the cost-of-living bonus and to have a re-classification of wages, two important issues that the union was fighting on. This was done without explaining to the workers that it would have to be approved by the Regional War Labour Board. The company then entered into an agreement with the committees it had sponsored, an agreement which was never brought before the employees for their ratification.

"Destruction of morale and interference with essential war production was the result of this

company's attempt to frustrate the legitimate desires of their workers for organization, contrary to the principles of P.C.2685, and to foster an undemocratic company union against the wishes of the majority."

More details can be given on each of these cases at a later date, and we can bring forward witnesses if the committee desires to hear them.

"THE COMPANY UNION which develops out of the recreation or sick benefit club is frequently presented as an Employees' Association, with a new and ready-made constitution which is seldom, if ever, brought to the mass of the employees for ratification.

"When employees fail to accept, or when they completely reject, such clubs or associations, efforts are made to remodel them into 'independent unions' for the purpose of 'collective bargaining.'

"This was so in the case of the ATLAS STEELS, Welland, where strenuous efforts were made to turn the Atlas Steels Employees' Association into the Atlas Independent Union. The constitution was amended 'to include bargaining rights' and a 'contract' with the company was signed. Both the new constitution and the contract were, however, decisively rejected by a vote of the members of the Association when it was brought to their attention at a general meeting.

"The case of the ATLAS STEELS, Welland, is one of the most flagrant examples of the attempt to impose on the workers a so-called 'independent union', whose principles are being advanced regularly in 'The War Worker,' the publication of the Canadian Federation

of Labour, 126 Sparks Street, Ottawa.

"Both 'The War Worker' and the leaflets issued by the Atlas Independent Union, advertise the 'independent union' as having the following advantages:

"1. No dues money is paid out of the 'independent union.' (It is not stated that the resources of an international union are at the disposal of a bona fide trade union local.)

"2. No salaries are required for union organizers. (It is not stated that frequently company offices and the services of a company-paid official are donated to such an organization. For example, the NATIONAL STEEL CAR COMPANY, Hamilton, has provided an office in its administration building for the officials of the National Steel Car Employees' Association, while the ALUMINUM COMPANY, Kingston, has engaged a full-time 'business agent' as representative of the Employees' Council.)

"3. There is no possibility of a sympathetic strike." -

This is the argument of the independent unions -

"(Here an attempt is being made to exploit the workers' desire for uninterrupted production by wrongly representing strikes, rather than collective bargaining, as the objective of trade unions.)

"4. There can be no 'outside interference' with the affairs of the association. (Here the spokesmen for independent unions fail to point out that, being tied to the management either through direct represent-

ation on their executive or indirect influence on their policies, these so-called 'independent unions' are by no means independent of 'outside interference' in the affairs of the employees, and that moreover, not being affiliated with organizations in other plants in the same industry, they are completely isolated and as such incapable of dealing with the problems of the workers of the particular industry as a whole.)

"How Company Unions Get Membership.

"Being engineered either directly by the management, superintendent, or foremen of the plants, or by a small group of management-directed employees, the company union is presented to the employees with, at the least, a hint of intimidation, and at the most, flagrant threats, bribery and coercion. Membership is obtained through pressures of various kinds and is seldom the result of the workers' free choice.

"Scores of illustrations may be quoted to show this point. For example, in the OTIS FENSOM ELEVATOR COMPANY, Hamilton, when members of the Recreation Club objected to the introduction of the Industrial Relations Committee, company officials took 200 girls away from their machines to vote on the question, although the girls did not learn until afterwards what they were voting for. In the same company, after the rejection of the Industrial Relations Committee, the Otis Fensom Employees' Association was formed. Girls were tricked into

signing membership cards when they were told the cards were to permit attendance at the first meeting only of the Association.

"In the ALUMINUM COMPANY, Kingston, petitions asking the workers if they were in favor of an Employees' Council were circulated on company property and at company expense, while at the same time three union members were locked out by the company.

"In the SAWYER-MASSEY LIMITED, Hamilton, a signed statement may be obtained to the effect that an employee was approached by two members of the Employees' Association, who were company inspectors, and told that if he would join the Association, he would get a raise in pay. In the same plant, employees state that some men are joining the Association in order 'to get army deferments -- the boss gets it for them.'"

The right of making a request for army deferments rests with the employer, and has been used as a means of intimidation against union activities.

"In the ATLAS STEELS, Welland, an employee stated that he could get a written statement to the effect that a man had been offered \$20 to join the Independent Union.

"Numerous other examples could be cited.

"In recounting how company unions are being established, workers repeatedly draw attention to the fact that essential war production is being interrupted by this activity. Company union meetings are usually held on company time, workers being called away

from their machines for this purpose. In some cases workers who left their work to attend company union meetings outside the plant were reportedly paid for their time. In other cases, foremen and workers are reported to have neglected their work to spend time exhorting employees to join the company union. In the UNDERWOOD ELLIOTT FISHER, Toronto, company union activity interrupted essential war production and threw the plant into an uproar.

"Financing of Company Unions

"Mention has already been made of the fact that company property and time and the services of foremen and other employees appear to be donated by the managements for the purpose of establishing company unions. Similarly office space, and in one case the services of a full-time paid official, have been donated by the company."

As mentioned before, in the Westinghouse Company of Hamilton and the Aluminum Company of Canada, for instance, full-time officers are paid by those companies to conduct the affairs of the employees' association.

MR. MACKAY: Q. You mentioned the Westinghouse Company of Hamilton? A. Yes.

Q. Are you positive that the man representing the shop union there is being paid by the Westinghouse Company? A. That is the information we have from the workers.

Q. Are you satisfied that it is so? A. Yes, I am satisfied that it is so; and if witnesses are necessary with respect to some of these matters we can

bring them forward.

In other cases, notably the OTIS FENSOM ELEVATOR COMPANY, and the SAWYER-MASSEY LIMITED, Hamilton, the services of a company lawyer, Mr. R. R. Evans, K.C. were supplied to the company union.

"In two plants, OTIS FENSOM and ATLAS STEELS, Welland, employees were reported to have 'put up' sums ranging from \$50 - \$250 to establish the company union -- surprising altruism on the part of employees whose fellow-workers found their wages so inadequate they were anxious to organize a trade union to deal with the question. In at least one plant, ATLAS STEELS, the company union incurred expenses far greater than the sum they might be supposed to have collected in dues."

Checking up on this, we found that the people who were supposed to make the large contributions to the establishment of an independent union were the same employees who found it difficult to live from week to week, and were borrowing money from their fellow-workers. In the case of Atlas Steels, despite every protestation on the part of the management that they have nothing to do with the independent union, their cheque stubs came out recently with a special item on them for the deduction of union dues, and there is no other union in the plant recognized by the company other than the independent union without any agreement.

"Moreover, in each of the plants from which delegates were sent to interview the Ontario government on behalf of the Canadian Federated Council of Employees,

no subscription campaign was conducted amongst the employees to offset the expenses of this delegation."

I can name four plants: The Canadian Westinghouse, the Atlas Steels, the Otis Fensom Elevator and the Sawyer-Massey. In any one of those cases I do not believe the independent union has any membership fee, or if it has it is very small, but these people came before the Ontario government purporting to represent all the workers in the plants.

"Concessions Granted Through Company Unions"

"It should be noted that, where union organization is under way, numerous temporary concessions have been granted to the employees through the medium of the company unions. Such concessions as holidays with pay, adjustment of hours, and in some cases, wage increases, taken from the legitimate demands of employees advanced in their union program, have been granted as a means of attempting to convince the employees that their demands can be met without union organization.

"In the ALUMINUM COMPANY, Kingston, various concessions were made to the workers through the Plant Council, among which were wage increases for female employees and re-classifications of some rates.

"As a general rule, however, the real objective of the management in establishing a company union is to 'freeze' existing conditions and the current labor policy of the company. This was notably so in the case of the ATLAS STEELS, Welland, where the

agreement drawn up between the company and the Atlas Independent Union contained the following clause:
Section 4, Wages: The scale of hourly wage rates in effect at the time of the signing of this agreement shall be maintained unless otherwise prescribed by law, during the life of this Agreement.

"In the case of the CANADIAN GENERAL ELECTRIC, Peterboro, an agreement drawn up by management with the Plant Committee, merely summarized current company policy and practice with regard to wage rates, overtime, vacations, seniority, and grievance procedure.

"Generally speaking, any genuine improvements obtained for the employees through company unions have been won by the activity of union members in the company union. This was the case in the Aluminum Company, Kingston, where, after the Employees' Council was selected by the workers as their agent in a government-supervised vote (in which the union committee did not see and was not allowed to criticize the wording of the ballot), key union workers were elected to the Employees' Council, and sought adjustments in wage payments and other matters. In the YORK ARSENALS, Toronto, the union has put up a slate of officers for the Plant Committee, but most companies bar known union members from such committees, in an attempt to prolong their life and discourage the workers.

"Recognition of Company Unions

"Management has in most cases expressed a willing-

ness to negotiate some form of agreement with company unions, labelling such negotiations 'collective bargaining.' Examination of these proposals reveals that in no case did management enter into any genuine bargaining concerning the wages, hours and conditions of employment of its employees.

"Recognition of the company union by management is common, while refusal even to meet with union representatives is almost 100 percent.

"In cases where the union is too strong to be ignored, the company has attempted to meet with both union and company union representatives, or with both union and non-union employees, in every case denying to the trade union genuine collective bargaining rights."

MR. HAGEY: Q. You state that recognition of the company union by management is common, while refusal even to meet with union representatives is almost 100 per cent? A. Yes, I mean with the bona fide trade union representatives.

Q. But did the trade union represent the majority of the workers in the plant? A. No. I mean that in nearly every case where a union representative requests an interview with management they are turned down, whereas the requests of the company union are met.

Q. I suppose there would be no obligation on the part of management to meet with the representatives of a union that had no status in the plant. If the system of collective bargaining that has been asked

for is adopted, the union that has the majority is the one that will meet with management? A. The point I am making here, and my whole thesis here is that in practically none of the cases cited has the company union represented the majority of the workers, whereas our union representing the majority has been refused an interview with management.

"In all these cases, the company union provides a convenient screen behind which the management can shelter its unwillingness to bargain collectively with its employees organized into a bona fide trade union.

"In the PARKER PEN, Toronto, after hastily establishing a company union, the management signed an agreement with it.

"In the SANGAMO ELECTRIC, Toronto, the management met with the Plant Committee on wages and conditions, while three times refusing the recommendation of a government Commissioner on a vote on the question of the trade union.

"At the ATLAS STEELS, Welland, the management was willing to sign an agreement with the Independent Union, while a defamatory campaign was carried on against the union.

"In the ALUMINUM COMPANY, Kingston, the management signed an agreement with the Employees' Council, and hired a full-time 'business agent' for it.

"In the UNDERWOOD ELLIOTT FISHER, Toronto, however, the management refused to deal with the company union committees when they proved not subservient to their

policies; the committees were suspended, and new members elected from among those who, when canvassed by foremen, had stated their preference for a company union.

"In the SAWYER-MASSEY LIMITED, Hamilton, the constitution and by-laws of the Employees' Association were reportedly drafted by the company's lawyer, R.R. Evans, K.C., and this lawyer was invited to sit in on negotiations between the management and union representatives.

"In the CANADIAN GENERAL ELECTRIC, Peterboro, after a vote in the neighbouring Genelco plant had gone in favor of the union, the management rushed through an agreement with the Plant Committee. This Committee was never authorized by the employees at any time to sign an agreement with the company, the agreement was not submitted to the workers for approval or rejection either before or after completion, and the workers were never informed officially that the signing of any agreement was contemplated. The protest of all the employees of one department against the conclusion of any agreement before submission to the body of workers for ratification was ignored. Pressure was used on the Committee to persuade them to sign the agreement, and seven members of the Committee, who signed under protest, declared to their fellow-workers that they 'protested against signing the so-called agreement at every opportunity. However, rather than see the company succeed in causing a serious rift and division

in the ranks of the employees' representatives, we agreed to the signing, but under protest.'

"In the COMMONWEALTH ELECTRIC, Welland, the management was willing to meet with 'any group of its employees,' including representatives of a defunct company union -- despite an obvious majority of its employees being members of a petitioning union. The company agreed that representatives of the union might sit in, but that any agreement reached would be irrespective of union affiliation.

"Lack of Collective Bargaining Guarantees

"Every evidence points to the conclusion that all such organizations -- Welfare and Recreation Clubs, Plant Committees and Councils, Employees' Associations and Independent Unions -- are clearly instigated and dominated by management, and in only a few cases represent the majority of the employees. These exceptions are where such clubs are genuine recreation or sick benefit clubs without any pretense of collective bargaining.

"The springing into existence of a score or more of these company unions, simultaneously with the organization campaign of the U.E.R.M.W.A., has been made possible by the lack of genuine collective bargaining legislation, making it compulsory for management to grant union recognition to the trade unions of the employees' own choice.

"Federal legislation states the democratic right of workers to choose a collective bargaining agency free

from interference.

"P.C. 2685:

'That employees should be free to organize in trade unions, free from any control by employers or their agents.'

'That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' Associations concerning rates of pay, hours of labour and other working conditions with a view to the conclusion of a collective agreement.'

"But specific guarantees against interference by management with the self-organization of workers are not given. Moreover, the attitude of the Federal Department of Labour in recognizing the 'agreements' concluded by management with company unions, regardless of whether or not such 'agreements' have ever been seen or discussed by those whom it binds, that is, the majority of the employees, indicates a tendency to close the door to recognition of legitimate trade unions and bona fide collective bargaining agreements."

Then under the heading: "The History of Company Unionism in the United States" are some excerpts from a comprehensive study of company unionism, its growth, and what it brings to its employees, as conducted by the Bureau of Labour Statistics in the United States in 1935, in which they have set out quite conclusively - I will not read these excerpts but will leave them for the study of the members of the committee - that after study-



ing a number of company union set-ups in the United States they found, first, that any concessions made to employees through a company union or plant council set-up were the direct or indirect result of the organizing campaign of those employees through their own outside legitimate trade union, and that in hardly any of the cases has the independent union been proven to be free from some measure of company domination or interference. The result of that study was the incorporation in the National Labour Relations Act of the specific stipulations that virtually outlawed company unions in the United States.

MR. MACKAY: Q. Are they outlawed now? A. They are outlawed in so far as operation is concerned by means of various stipulations in the Act imposing penalties on the employers for interference with the employees.

Q. Does not the Wagner Act contain a statement that company unions are outlawed? A. I do not think the Wagner Act states it in that way, but the results are the same.

"The History of Company Unionism in the United States

"The resurgence of company unionism in the province of Ontario under P.C. 2685 bears some similarity to the resurgence of company unionism in the United States, June 1933 - June, 1935, under the National Industrial Recovery Act, Section 7 (a).

"In 1935 a study was undertaken by the Bureau of Labor Statistics, in an attempt to present a factual portrayal of the characteristics of company unions. (1)

"In this study, the Bureau accepted the term

'company union', using it in its generic sense, as an organization of workers confined to a particular plant or company and having for its purpose the representation of employees in their dealings with management.

'Company unions fall into two groups, according to the basis on which employees participate in the affairs of the organization. In somewhat more than half (of those studied), the right to participate followed automatically from employment by the company . . . In such situations, there is no such thing as membership in an employees' association. There is, technically considered, no association, but simply an agency for representation of employees in their relations with management.

'The second type of company union, comprising somewhat less than half of the total (of those studied), operated on a membership basis . . . This type, which dated predominantly from the period since March, 1933, included almost all of the dues-charging organizations and the great majority of those having general employee meetings. . . .'⁽²⁾

(1) CHARACTERISTICS OF COMPANY UNIONS, 1935, Prepared by the Division of Industrial Relations, United States Department of Labor, Bureau of Labor Statistics, Bulletin No. 634, June, 1937.

(2) Chapter 23, Summary and Conclusion.

"The analysis indicated that company unions arise during a period of rapid trade union organization.

'Relatively few company unions were started

during the depression period. (The study) reveals the resurgence and tremendous growth of the company union movement in the period after the passage of the N.I.R.A. when growth also occurred among trade unions.' (1)

'In more than half of the cases of company unions formed during the N.R.A. period, recently established trade-union locals contended for the right to represent the workers. In these cases, there had been no agency for collective dealing before March, 1933. The sequence of events in the great majority of these cases indicated that the trade union had appeared on the scene first and had tried to establish itself as the bargaining agency for the employees. The company union appeared either immediately following the trade union or after the lapse of some time. In some cases, the new trade union local was more or less completely eradicated following the establishment of the company union. In other instances, the trade union continued to function more or less effectively but the company union received recognition by the company as the sole bargaining agency or as entitled to equal recognition with the trade union.' (2)

"The study also indicated that a new type of company union was developed at this time.

'There has been a tendency in the direction of membership company unions rather than automatic-participation organizations, and a move to reduce service and other requirements for participation. Management participation has been reduced or eliminated in many respects, including a shift away from the joint committee towards

the employee-committee form of functioning. Dues and employees' meetings have become more common. Collective bargaining has appeared as a definitely stated objective in some company-union constitutions. The number of agreements signed by both company unions and management has increased, although such agreements are still uncommon. . . .

'As a result . . . there has developed a new type of company union that more or less approaches the formal characteristics of trade unions' (3)

(1)	CHARACTERISTICS OF COMPANY UNIONS,	Page 3.
(2)	"	" " Page 79.
(3)	"	" " Page 203.

"The effectiveness of company unions was analyzed in the following words:

'The great majority of company unions were set up entirely by management. Management conceived the idea, developed the plan, and initiated the organization. In a number of cases one or more employees played a part in the initiation of the company union.

'The existence of a company union was almost never the result of a choice by the employees in a secret election in which both a trade union and a company union appeared on the ballot.

'In view of the emphasis placed upon the company union as an agency for adjusting individual grievances, it is significant that one-third of the company unions handled no such matters.

'Company unions were less effective in handling general questions of wages and hours than in handling other matters. . . . In negotiations concerning wages and hours of work, company unions were handicapped by a number of factors Fundamental was the company union's inability to bring any pressure upon the employer. In most cases aggressiveness could take the form only of reiterated requests for consideration of the petition of the company union Only one-fifth of the company unions possessed the right to demand arbitration, by disinterested outsiders, of matters which could not be settled by discussion between management and employee representatives Most important of all, perhaps, the company unions were hampered by their inability to control wage conditions in more than one plant' (1)

"The findings of this study document and closely parallel the decisions of the National Labor Boards with regard to the interference of management in the self-organization of workers.

(1) CHARACTERISTICS OF COMPANY UNIONS, Chapter 23, Summary and Conclusions."

Then reading at page 22, this is where we deal with some of the practices to be seen in the United States:

"Development of the Law of Collective Bargaining

"A law of collective bargaining was developed in the United States through application by the National

Labor Boards of the provisions of Section 7 (a) of the National Industrial Recovery Act.

"This law developed along the following principles:

'Majority rule: The prime requisite for any technique of collective bargaining is the selection of representatives, and the selection must be free from interference. . . The Board stated that an interpretation of Section 7 (a) permitting any practice which "would hamper self-organization and the making of collective agreements cannot be sound." The Board further stated that the policy of dealing first with one and then with the other organization destroyed the effectiveness of collective bargaining. This policy enabled the company to favor one group to the detriment of the other. It prevented the formation of agreements -- the aim of collective bargaining. Nor did the Board agree that a composite committee including representatives of both the majority and the minority sufficed."

MR. MACKAY: Q. You are showing the mal-practice of many industrial institutions? A. Yes, out of 33 companies in Ontario with which this union has large relations in the last eight months there have been various degrees of these mal-practices. In some of them we have since that time established collective bargaining relations, but we established those in spite of certain of these mal-practices.

MR. NEWLANDS: Q. Have you a majority of employees in the Canadian Westinghouse Company? A. No; we do not

at this time have a majority in that plant.

Q. Or in Otis-Fensom Company? A. We have a majority in the Otis-Fensom Company.

Q. But not in the Canadian Westinghouse Company?

A. That is correct.

Q. Has there been a vote? A. There has been no vote in either of these plants. We have been trying to get a vote in the Otis-Fensom plant for four months.

MR. ANDERSON: Q. What is the situation at Atlas Steels? A. The Atlas Steels situation is that the independent union is recognized by the company informally, and the appeal of our membership, which we claim represents a majority of that plant, is completely ignored. We have repeatedly requested, in order to clear the air, that a government-supervised vote be held and a ballot taken to decide which of these two organizations the employees desire to have represent them.

MR. ANDERSON: Q. When did you begin negotiating with the employers there? A. We started organizing about the first week of December and have met the management on two occasions to try to bring about a vote.

Q. Were there any serious grievances with respect to wages, etc.? A. Yes, wages and the method of payment of wages, and hours of work and conditions of work.

Q. Is part of that plant a Crown industry? A. I believe so; where the dividing line comes in I have not been able to find out either from the government or the management. They say one end of the plant belongs to the company and the other end to the Crown company.

Q. You said something about \$20. being offered to

some person? A. Yes, \$20. was offered to a man if he would join the company union.

MR. HAGEY: Q. If he would join an independent or plant union? A. Yes.

THE CHAIRMAN: Q. Could you tell us who offered that sum to him? A. I have not that information at my finger-tips, but I can secure it for you.

On the question of the law of collective bargaining in the United States I am not attempting to give an exhaustive analysis here.

MR. NEWLANDS:Q.What page are you on? A. Page 22. I skipped one section.

THE CHAIRMAN: Q. Have you another copy with you, Mr. Jackson? A. No; I have given the committee all the copies I had. I skipped reading the section headed "The History of Company Unionism in the United States." Page 22 is headed: "Development of the Law of Collective Bargaining."

MR. ANDERSON: That is page 26 of my copy.

MR. FURLONG: It is page 22 of Mr. Jackson's copy.

WITNESS: On the point of the development of the law of collective bargaining, these are citations from findings leading up to and part of a National Labour Relations Act in the United States, and I think they are rather important in some of the aspects as to what is meant by "majority rule," particularly in view of what is becoming the practice in Canada at this time of attempting to water down the representations of the organized employees by insisting that there be two

bargaining agencies or more in a given plant.

THE CHAIRMAN: Q. Who is trying to insist on two bargaining agencies? A. A number of managements resort to that subterfuge of watering down the recognition of a union with a majority by saying: "We will recognize your union as part of a joint committee in this plant, but another union or company union should also have representation on that committee." It is being put forward at the present time and has been used on one or two occasions by the General Electric management and the Commonwealth Electric management as a means of getting around full recognition of a union.

Q. The reason I enquired is because it is contrary to what Mr. Aylesworth, representing Ford and Chrysler, said yesterday. He was afraid, from the employers' point of view, that there would be too many bargaining agencies, and he did not want the employees as a whole split into segments or sections, each having a committee to bargain with the management in connection with their particular interest.

A. We have the same thing here in the Sawyer-Massey Company, where after the union won a government-supervised vote by 253 to 131 the company established a company union set-up in the plant and then asked that both groups be represented for the purpose of collective bargaining in the plant.

Q. Mr. Aylesworth was afraid of there being too many? A. It was to let both unions sit on the central bargaining committee of the plant or to recognize two independent bargaining agencies and deal separately with

each one, both of which are a denial of the essential principle of majority rule and the right to be represented on that basis. Both are contrary to any sort of collective thinking on the part of the employees, and are the cause of constant dissensions and divisions in the plant.

Q. Your submission is that there should be only one bargaining agency for the employees? A. Yes, where a vote has been taken and it has been decided what the bargaining unit in the plant shall be, as an industrial union our scope embraces all of the employees in the particular plant, and therefore we ask that once the decision has been made and the majority has chosen one organization or another, that majority should be recognized and the representatives of that majority should become the bargaining committee or agency for all of the employees in that plant.

MR. MACVAY: Q. Even if the dispute is in one particular department the bargaining unit covering the whole of the organization is the bargaining unit for that department as well? A. Yes.

Q. Take, for example, the stationary engineers or the electricians in a particular group. A. Frankly, as an industrial union we feel that craft recognition of various crafts in a plant creates a chaotic condition.

THE CHAIRMAN: Q. What do the crafts think about it? A. Naturally they do not agree, although there is a tendency today to move away from that position, and even the craft unions are establishing industrial forms

of organizations, particularly the machinists' unions; they are moving away from having 10 to 15 different bargaining agreements in the one plant. Our position is that there should be only one bargaining agency in that plant, and that it should be determined on the vote of all employees eligible for membership in that union, and when a majority has decided one way or the other, that is the bargaining agency.

Q. You will admit that it is not free from a lot of difficulties? A. I do not see the difficulties, in view of the history in the United States in the past several years. Those difficulties have been pretty well ironed out in practice.

MR. NEWLANDS: Q. It would have the effect of wiping out the craft unions? A. Not necessarily.

Q. Why would they continue to exist? A. Craft unions today manifest a tendency to develop along the lines of a craft industry. In a shop that is fully a machine shop the craft union views its organizing programme as being for the whole of that plant or industry.

Q. Broadened out? A. Yes, broadened out.

THE CHAIRMAN: Q. And there is a tendency towards rapprochement between the industrial unions and the craft unions? A. The picture as I see it is that the craft unions have more and more adopted the industrial form of organization.

MR. FURLONG: Q. The crafts were the ones that started unions? A. Yes, and that was a logical develop-

ment because in the early stages of organization a plant was virtually a craft, there being only one craft in a plant. It was only as they got into the stage of mass production where they had a number of crafts operating under one roof that the need for broadening out arose.

Q. Like the Ford Motor Company assembly line, which did away with the machinists? A. Yes, and in the old days you would have a shop that would do nothing but blacksmith work or electrical work or watchmaker's work, work of various crafts.

MR. MACKAY: I am not satisfied yet. You are giving us an important piece of information, Mr. Jackson, and I appreciate the way you are giving it, but I can see where the committee will have a job of adjusting each craft organization as to who will become the bargaining unit. That is going to come up, and the other side will perhaps present arguments why crafts will stand on their own feet and have the right to collective bargaining themselves. Personally I think there may be a confliction of views between the two groups. A. There may be a confliction of views between the two groups. I do not know that the A.F.of L. are completely in agreement as to what would constitute a bargaining unit.

Q. I know they are averse to some of the arguments put up by the C.I.O.? A. There is a question of having some authority to decide what the bargaining unit in a given plant or industry shall be, and I believe this committee will be studying the National Labor Relations Act in the United States in order to have a background

of experience on this important question. There is an exhaustive study, and some very outstanding developments in the argumentation on this question of what is a bargaining unit. I am not prepared to make a full, definitive statement, but am merely putting forward the history of the last few years in which the industrial form of organization has developed as the main bargaining organization, and many of the craft unions, for the purposes of collective bargaining, have chosen to be represented by a collective bargaining agency representing the majority of the employees in a given plant.

THE CHAIRMAN: Q. Both craft and industrial unions?

A. Yes. In any of the plants of large corporations there is not any basic quarrel on the part of individuals who happen to be craftsmen, because they find the same degree of protection through the broad bargaining agency in that plant for their craft as any other worker in the plant would find.

Are there any other questions on that point?

MR. FURLONG: Q. The trouble would come in regard to a craft in a factory where, let us say, there were 1000 employees, 900 of whom wanted the C.I.O. as the bargaining agent and the other 100 did not want the C.I.O. but wanted their own union as the bargaining agent, and if the secret vote controlled the bargaining agent, the C.I.O. would eliminate that union as a bargaining agent for them? A. For that very reason the craft unions have now become industrial unions in the main.

Q. Probably we will hear a good deal about that on

Monday? A. They will present their own side of the case.

Q. You are giving what you think is right, anyway?

A. Yes. The point I am bringing out is that the question of majority rule has been studied, and there have been many definitive statements written into the law in the United States in that regard, and they are specific on this question of a composite committee.

THE CHAIRMAN: Order, gentlemen, please. The reporter is having difficulty in hearing the witness.

WITNESS: To continue:

"The order required the company to recognize the union as the exclusive bargaining agency of its employees and to enter into negotiations with the union in an effort to arrive at a collective agreement covering conditions of employment . . . The subjects of collective bargaining were to be wages, hours and working conditions . . . The duty to bargain collectively involved more than merely meeting with representatives of the workers."

MR. FURLONG: Q. That only requires the company and its employees to enter into negotiations?

A. Yes. We have dealt pretty well in the discussion with the meat of this section:

"The employer "must negotiate actively in good faith to reach an agreement." He must "discuss differences with the representatives of the workers and . . . exert every reasonable effort to reach an agreement on all matters in dispute."

Collective bargaining is the means to an end....

The end is an agreement.'"

"Section 7 (a) specifically forbade interference with self-organization of workers through discharge of union members and company union activity.

"The company union cases before the Board have presented a series of acts which in the aggregate have been held to constitute interference in violation of the statute. No single factor such as financial domination by the employer or the drafting of the constitution by management has been singled out as the sole cause of a decision. The decisions of the Board have considered and prescribed conduct which leads to employer domination of employee organizations. Such conduct includes the suggestion of the form of organization by the employer, the drafting of its constitution by lawyers or officers of the company, lack of opportunity to accept or reject the plan, absence of secret ballot in a vote adopting the plan or electing representatives to serve under it, payment of additional salaries to representatives for the performance of their duties in that capacity, the supplying of clerical and stenographic services for the conduct of the association's business, provisions in the constitution giving the employer the power to make final decisions or to veto decisions of the employee representatives, giving the company union credit for wage increases, or making benefits arising from pension plans dependent upon membership in the association favored by the

employer.'

"The Schechter decision destroyed the basis upon which Section 7 (a) and the interpretations of the National Labor Relations Board and other Boards were premised... Less than six weeks after, the National Labor Relations Act was enacted. Section 7 expands and clarifies the rights of workers previously enunciated under Section 7 (a) of the N.I.R.A. and section 8 implements these rights by enumerating and prohibiting certain unfair labor practices by employers... The Act does not outlaw company unions, nor does it even mention them, but it prohibits practices which operate to prevent freedom of organization and collective bargaining.

"On April 12, 1937, the Supreme Court in five cases sustained the constitutionality of the National Labor Relations Act. Chief Justice Hughes stated in the Jones and Laughlin case:

"'Experience has abundantly demonstrated that the recognition of the right of employees to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace. Refusal to confer and negotiate has been one of the most prolific causes of strife.'

"'To the extent that the activities of employers in the formation, control or domination of "company unions" interfere with the rights of labor to organize and bargain collectively and insofar as such activities constitute unfair labor practices

within the meaning of the National Labor Relations Act, such unions are outlawed. The law of collective bargaining has definitely evolved to the point where the rights of labor have received recognition and protection through statutory sanction.' Such are the conclusions of the study.

"The Need for Collective Bargaining
Legislation in Ontario"

"The government of Ontario, which had expressed its intention of introducing legislation to establish compulsory collective bargaining in the province, was interviewed on February 8, 1943, by the Canadian Federation of Labor and Associated Workers' Associations.

"The delegation presented a memorandum to the government expressing apprehension lest such legislation should be 'patterned after the methods adopted elsewhere' which would 'impede or prevent the formation and operation of free labor unions.'

"The delegation, which claimed to represent approximately 200,000 employees, included delegates from the following plants where the U.E.R.M.W.A. is organizing:

Atlas Steels Employees' Association, Welland ...	3
Canadian Westinghouse Employees' Association, Hamilton	3
Sawyer-Massey Employees' Association, Hamilton..	1
Otis-Fensom Independent Employees' Union, Hamilton.....	1

"From the history of the Employees' Associations in these four plants, it is evident that they all fall within the definition of 'company unions' as

accepted by the Bureau of Labor Statistics, Washington. These case histories reveal that a deliberate campaign is being carried on in the province of Ontario to organize and establish a federation of company unions, behind the front of the Canadian Federation of Labor; they reveal further that in general these company unions represent only a handful of management-dominated employees: they are 'ghost' organizations without a membership. Their petitioning of the government of Ontario 'on behalf of 200,000 workers in the province' is a self-assumed privilege which has not the backing of any bona fide trade union or collective expression of these 200,000 workers.

"Moreover, the presentation of the Canadian Federation of Labour on behalf of company unions; the provocative activity of managements in fostering, recognizing and signing agreements with company unions while denying recognition to bona fide trade unions; and the willingness of the Federal Department of Labour to recognize such agreements, are apparently part and parcel of a well-organized scheme to bring about the scuttling of the proposed government legislation. They stand as the main obstacle to the establishment of democracy in labor-management relationships and the building of harmonious relationships towards the end of achieving maximum production for the offensive against Hitlerism on the continent of Europe.

"The continual frustration by management of the

desires of the masses of the industrial war workers for trade union organization and the achievement of genuine collective bargaining agreements, which would open the path to unprecedented leaps in production (as demonstrated by the gains in production made in those plants where union recognition and labor-management cooperation has been established) is the source of the discord, and resentment, in which strike-provocation finds its field. Where the possibility of strike-action arises, the guilt for the arousing of this situation may be placed squarely on the shoulders of those managements which refuse union recognition while dealing with company unions, and on the lack of collective bargaining legislation outlawing company unionism and guaranteeing trade union recognition.

"The right of trade unions to function freely is one of the basic freedoms for which all the resources of our country -- manpower, financial and industrial -- are being mobilized to defend against fascist domination.

"Churhill has issued the call to all of us in the statement that

"'We have to make the enemy burn and bleed in every way that is physically and reasonably possible in the same way he has been made to burn and bleed along the vast Russian front.'

"He specifically sets out the need for unity for the offensive when he states

"'I appeal to all patriotic men on both sides of the Ocean to stamp their feet on mischief makers and sowers of discord wherever they

may be found and let the great machines whirl into battle under the best possible conditions for our success '

"Prime Minister Mackenzie King has outlined the tasks ahead in his address to the American Federation of Labor, in which he stated:

"'I should like to see labor-management committees in every industry in our country ... Happily the principle of the partnership of management, of workers and the community is making steady progress. Where it is tried it is proving its worth. It is only by fully realizing and accepting this partnership that the necessities of industry can be harmonized with the hopes of humanity.'

"No single step could give greater impetus to the mobilization of the total war effort of Canada behind the offensive of the United Nations than the passage of collective bargaining legislation in the largest industrial province in the country. Such legislation, outlawing company unions and guaranteeing freedom of activity to legitimate trade unions, would provide the necessary reassurance to Ontario's thousands of industrial workers that the governments and managements of this country are sincerely and wholeheartedly behind the objectives set forth by the United Nations in the Atlantic Charter and the Casablanca Conference for the strengthening of democracy and the crushing of fascism. Such reassurance is a vital necessity to the masses of the common people who are toiling in our war plants to produce the vital munitions of war and who are continually meeting with obstruction of their legitimate desires to exercise their demo-

cratic choice of the organizations which they wish to represent them. Only government protection and guarantees of their rights as Canadian workers can put an end to the disputes, bickerings and strikes which are holding up all-out war production and the implementation of a total war policy for victory over Hitlerism and the establishment of a just and democratic peace."

Now, we are fully aware that it is by no means an exhaustive study of the situation to bring out in passing reference what has actually taken place in many plants in this country. If we were given the time we could prepare a brief that would fill many books on the question of actions taken by management to obstruct workers attempting to build or join their own union. This was high-lighted in one respect by the delegation previously mentioned that appeared before, I believe, the Premier of the province and others prior to this session of the House, led by Mr. Burford of the Canadian Federation of Labour and composed of representatives from independent unions, - at least, they had those names attached to their unions. Our contention is that this delegation - and I do not doubt that the same delegation in some form or other will appear before your committee - is not representative in any of these situations of the majority opinion in the plants to which reference has been made. In three of them we know of, our union does have a majority; but in all of those situations they have been unable to secure a vote to decide the issue in the most democratic manner, and

therefore in examining the credentials of these organizations I think it is important that there should be a realization of just how these independent unions were formed, how they are financed, and in what way they have shown they are representative of the people they claim to represent. As a matter of fact, some of the advertising that has been done of recent date by this so-called Ontario Workers' Association has been the type of advertising that serves to flout the right of workers freely to choose their own organization, and I think any representations made by these groups should be very thoroughly examined by this committee.

Then, where there is a representation made by such an independent union from a plant where it is known there is a bona fide organization likewise claiming membership, possibly it might be in the interests of this committee if a joint delegation representing the two groups at that plant were before you at the same time, when you could exhaustively question them as to the nature of their representations.

MR. FURLONG: Q. They would not agree to that? A.No; but you might get some interesting facts for your committee in that way.

Q. I think you have pretty well covered all the facts that the regular unions would put forth? A. I would like to sum up in a few words. The situation as we see it in Ontario at this time, to put it mildly, is on the verge of chaos. Production in these plants, while excellent from the over-all standpoint of showing a much

greater output than was anticipated even by our government, today is being seriously jeopardized by a situation where in plant after plant there is this "war" going on between the employees seeking to exercise their democratic right of choice of organization in the face of the various methods used by management to obstruct them in that choice.

THE CHAIRMAN: Q. In what percentage of plants would those conditions exist? A. I would put it historically this way, that in the last six months since the announcement of the consideration of a collective bargaining bill there has been an almost unprecedented outgrowth of intimidation, discrimination and the fostering of various types of company unions.

Q. And the cause of most of the trouble is the announcement by Mr. Hoenan that we were going to have a collective bargaining bill, I suppose? A. No; it is a little more historical than that, although that could be said to be the starting point of a feverish degree of activity. I find those who wish to prevent such a bill and wish to establish something that gives the appearance of collective bargaining in their plants as the means of working against any changes in the law are fostering these various types of company unions, and so on.

MR. MACKAY: Q. But you would not say that the implementing of such a bill would clear the air? A. On the contrary, I say it would immediately wipe out 90 per cent of that type of activity which is destructive

of morale and is hampering the maximum production that we are striving for in these plants, because in all these cases if it were clearly understood by management that the employees are not to be obstructed in their choice of organization, and that finally it will be decided by a vote, and when the democratic ballot is taken and the die is cast and the workers know which union they want, and you enter into negotiations on collective bargaining agreements, you have wiped out 95 per cent of the source of dissension in these plants.

I would put it even stronger, and say that if there is a collective bargaining bill brought down that does not contain full guarantees of this right to organize and secure representation and get into negotiations with management and work towards the signing of collective bargaining agreements, or a bill which at the same time puts other obstacles in the way of those organizations, then in Canada we may pass, despite the no-strike policy of the major organizations of labour in this country, through a serious wave of strikes brought about by provocation, for I think it could be proven that there have been in some instances attempts in recent weeks to provoke strikes as a means of further creating public antipathy towards a collective bargaining bill on the part of this government.

THE CHAIRMAN: Q. That would be a rather regrettable state of affairs? A. I am pretty sure that that has been the character of the activities in the plants in one or two instances. Management has taken a known leader in a plant off his job and put him on some other

job or demoted him and forced him to give up in disgust and quit the plant or stand up and fight, thus providing the employer with an opportunity to fire him or fire the committee supporting him, or force them to the point where they feel that the law gives them no protection and they are being pushed around and the only protection they have is to go out on strike.

MR. MACKAY: Q. The law says the employees shall not be fired for union activities alone? A. Yes, but that is a very difficult thing to prove, because you can say a man is incompetent or has spoiled some work, or looked the wrong way at the foreman when he came in in the morning!

THE CHAIRMAN: Q. Any man responsible for doing anything like that at this time is nothing more or less than a traitor, I imagine? A. That is our feeling on the subject.

MR. MACKAY: Q. Yet that is the only legal status you have? A. Yes, the Order-in-Council and the amendment to the Criminal Code, neither of which are conclusive protection to the workers against discrimination.

I have in mind a most glaring example of the activities that some employers indulge in, in one plant I have referred to situate in Toronto. I think they have used everything in the book to prevent workers from joining a union or getting recognition of that union, and I would like, with your permission, to ask Mr. Ross Russell of our staff to give you an outline of the activities in the Underwood Elliott Fisher Company within the last three and a half weeks. I think it is one of the most

glaring cases I have seen at any time of a succession of acts designed to prevent employees from becoming members of the union.

MR. FURLONG: Q. Before you call Mr. Russell I would like to sum up briefly what you desire for your union.

You are not asking compulsory agreement? A. No.

Q. You are just asking compulsory negotiation?

A. That is correct.

Q. With a bargaining agent chosen by secret ballot by a majority of the workers? A. With the same provision made as to how to secure that vote.

Q. Yes, but for the time being a properly taken secret ballot? A. Yes.

THE CHAIRMAN: Q. Under government supervision?

A. That is not the point. I am talking about a group of employees who have organized a new union in a given plant, with a membership of 25 per cent, 30 per cent, 35 per cent or 40 per cent of the workers: at what stage do they have the right to have a vote taken in that plant?

Q. What do you say? A. I say that in any plant where 25 per cent to 30 per cent of the employees have already indicated a desire for a union in the face of discrimination and insecurity of employment, at that stage a vote should be taken in that plant by that organization.

Q. Mr. Mosher asked for only 51 per cent? A. No; he said if 51 per cent or better voted.

MR. MACKAY: Q. That is right. A. What I am talking about is securing the right to have that vote

taken, which is a different question and which is the big question at this time. We put this claim forward, that if a union representing 51 per cent or better in a plant wishes to have management enter into collective bargaining relations with them, that union should have the right to file its membership cards with a government official who, on checking those cards with the payroll of the plant, satisfies himself that the union represents 51 per cent or better; and under those conditions the law should immediately state that that union having proven its majority views without a vote but on an actual presentation of membership cards and check, the management of that company must immediately sit down and enter into negotiations with that union with a view to a collective bargaining contract.

MR. ANDERSON: Q. Without a vote? A. Yes. I say it should be optional with the union to take that procedure or take a vote. One method is called certification and the other method is called election. Certification only takes place where the employer agrees that a proven card count will be sufficient and does not wish to challenge it to the point of requesting an election. I think that method here would be quite a step forward in settling a lot of these questions.

MR. MACKAY: Q. That only 51 per cent should determine the collective bargaining unit with the management seems to me to be insufficient, because it leaves a strong minority of 49 per cent which during the year would be raiding on the other people's forces. To my mind it would be better if whoever becomes the collective bargaining

unit should be on a sounder ground by having a majority percentage of at least 60? A. I presume, sir, that you are predicating your remarks on the argument that the vote would be between two unions, one union getting 49 per cent and the other 51 per cent.

Q. That is it. A. That is not the majority situation, sir. You will find that situation occurring very infrequently. In most situations 51 per cent or 52 per cent or a greater per cent of the workers in a given plant will vote for a specific union, and the others will not be in an organized position on that question. It would be an organized majority and an unorganized minority. In other words, the question is: How do you frame a ballot in a given plant if there are two unions in that plant contesting for the right of collective bargaining? I think it improper that the workers in that plant should have to choose between one or the other, necessarily. There should be a third provision on such a ballot, that those workers should be able to choose one union or the other union or no union, and there you would have the expression of the actual opinions of the workers. I do not want that to be confused with another type of ballot being suggested in Toronto at the present time, that because there are two contesting unions in a plant a vote should be taken first to decide whether or not the employees want any union, and later, if that vote goes through, to decide which union. I think that would be incorrect procedure. I think the procedure should be that if there are two unions there should be a three-way choice for the employees in that plant: one union, the

other union, or no union.

THE CHAIRMAN: Q. A little while ago in the Ford plant they had a vote for a company union or the C.I.O., and voted, I think, 60-40 as in the case of local option when they had to have more than a bare majority in order to get public opinion behind them, and after the vote was cast there was no trouble and the C.I.O. was recognized because they had a majority. A. There will not be any trouble unless management seeks to organize a minority against the majority.

MR. FURLONG: Q. Mr. Jackson, have you any objection to certain controls going in a bill with regard to unions such as registration? A. I do strenuously object to any measure of incorporation or registration.

Q. What about filing returns? A. We file returns with our membership.

Q. And the names and addresses of your officers, and your financial statements, and also financial statements to your members? A. On the question of financial statements I would say No for this very positive reason, that for a union to file its financial statement and indicate its full financial position would immediately arm an unscrupulous employer with sufficient information to know at what stage and for how long to provoke a union to go on strike and keep it on strike. If you examine the Kirkland Lake situation, I think that illustrates the point. The employer would say: "If they have only a limited amount of funds we will put them out on strike and keep them out there until their funds are exhausted."

MR. NEWLANDS: Q. Do you mean exhausted by strike pay?

A. Industrial unions of this type do not have strike pay; they have dues of only a dollar a month.

Q. Then how would that affect them financially?

A. Because it is a duty of an industrial organization to provide strike support and relief rather than strike pay.

MR. HABEL: Q. What were you going to say about the Kirkland Lake situation?

A. I think the length of the strike was based on an assumption of the financial position of those employees, and had the financial position been known it would have influenced that situation even more than it did. That is one reason why I say the filing of a balance sheet should not be compulsory.

There is another argument: This is a membership association, and as such its members are entitled to know its status. In our organization our members are informed monthly, by a monthly balance sheet from the international office, and every three months by an audited statement from our district office, so they have full knowledge of where their funds go. That is, I suggest, a much more democratic practice than is common among corporations. What percentage of corporations actually file public balance sheets in the press? I think it is a very small percentage. The only compulsion I know of to file such balance sheets is when such corporation has registered its shares on the market.

MR. FURLONG: Q. Oh, no, not here. You are not talking about Canada now.

A. It is Canada I am talking about, because on many occasions I have tried to

find the balance sheet of a particular company and it was not of public record.

Q. All dominion companies have to file an annual statement? A. They have to file it with the government, I presume.

Q. And all companies, both provincial and dominion, have to file an annual statement with their income tax return, so what you have stated is not correct. Would you have any objection to being compelled to have an annual meeting and elect officers regularly? A. No; our constitution provides for monthly meetings and annual meetings and annual election of officers.

Q. I mean an annual election of officers? A. That is set out in our constitution, both as to the time and method of conducting the election.

Q. Are you prepared to agree to the prohibiting of strikes while a bargaining agreement is alive? A. During the life of a bargaining agreement we have an arbitration clause in it.

Q. And does that agreement say there shall be no strike? A. No strike, stoppage of work, lock-out, etc.; and the decision as to the interpretation of the terms of the agreement shall be subject to arbitration final and binding. In other words, it is compulsory arbitration within the terms of that agreement. But I would not agree to compulsory arbitration on the revision of an agreement or on the negotiation of an agreement.

Q. That is, before the terms of your agreement have been settled? A. Yes.

Q. But once an agreement has been signed you would agree to no strike while the agreement is alive, that is, during the life of the agreement? A. When the terminating date of that agreement approaches the question of negotiating a new agreement arises.

Q. But generally you get around the table and negotiate for a new agreement a month before the old one expires? A. Yes.

Q. And most of these agreements provide that they may run on for a certain time, probably a year, and thereafter until cancelled by a 30-day or 60-day notice?

A. Yes.

Q. So that they run on? A. Yes.

MR. HABEL: Q. Would you say that the enactment of a collective bargaining law would eliminate fights and frictions among different unions? A. It would go a very long way towards doing so.

MR. OLIVER: Q. A vote having been taken and 51 per cent deciding on what form the bargaining agreement will take, it is your thought that that 51 per cent shall constitute the bargaining agency? A. Yes.

Q. With that I more or less agree, but I am not sure about the other point you made a few moments ago, that if 51 per cent of the employees showed their union cards that would constitute a strong argument for no vote being taken, and that that 51 per cent proven by the card count would constitute the bargaining majority? A. The reasons I introduced that are these: We are faced with a peculiar situation today in regard to the operation of the Federal Department of Labour. In order to apply for a

board of conciliation, as I mentioned before, a special meeting has to be called to take the strike vote, despite the fact that it is the principle of the union not to strike. Immediately you raise the question of a strike vote in a plant you are virtually indirectly agitating the employees in the plant on the question of a strike. Having got over that difficulty, you make application for a board, and a commissioner is sent in to investigate whether or not a board shall be established. In the last few cases we have been involved in the commissioner has insisted that prior to ordering a board to be established the union shall place on the table its membership cards to prove that they have a majority in that plant. Our contention is that at that stage the commissioner should, as his first act, order a vote to be taken to decide whether or not the employees wish to have that union, and on that basis establish his board if a board becomes necessary. We say if the government official asks for our membership records we will present them provided he will give us a guarantee that if our membership records disclose 51 per cent or better there is no need for a vote; that that is simply a duplication of the existing situation; and that the union, after having proved by its membership cards that it has a majority, should be recognized by law.

Now, if the employer does not choose to recognize that method then, first, the application should be made by the union, not by the employer. Second, if the employer does not choose to recognize that method, automatically a vote is taken by the government.

MR. MACKAY: Q. It would mean the government ascertaining from the 51 per cent membership cards whether or not they are definitely in good standing in your union. There is another angle, too, and most of us know this to be the fact, that some members of a union may be just half-heartedly in this union, and their cards may be in there but their vote might be registered differently.

A. Say you had 40 per cent signed members and a vote is taken in that plant, the vote would be 70 per cent, the reason being simply that when there is no protection for the worker the act of signing a card is an act that takes a great deal of courage under present conditions, because of job insecurity arising out of that action and the action of his employer. So that if 35 per cent to 40 per cent sign cards, it indicates very conclusively that 70 per cent are in favour of the union.

Q. Why are you afraid to accept a ballot? A. We are not afraid to accept a ballot, but we are putting forward the idea that it is an unsatisfactory practice to demand a union to show its membership records before getting a board of conciliation.

THE CHAIRMAN: Anyway, that is under dominion legislation.

MR. MURRAY: Q. And to secure that card you would have to pay a dollar? A. Whatever the initiation fee is; in our case it is \$2.

THE CHAIRMAN: Q. Did you hear Mr. Mitchell's presentation this morning on behalf of the Bell Telephone Company's plant union? A. No; I did not.

Q. It appears to be the opinion of the committee . that Mr. Mosher has no objection to a company union - I am stressing this because a large part of your brief is devoted to company unions, and we had quite a discussion here as to what a company union is - and he says that in the case where there is a secret ballot in a company and the majority of the people there vote for a company union free from any intimidation, he has no objection because that is free association, and those men have the right to elect representatives from among their fellow employees without any conference with anybody else at all. Have you any objection to a company union of that kind? A. I have every objection to any company union.

MR. MACKAY: I doubt if I understood Mr. Mosher to say that a company union would be all right.

THE CHAIRMAN: As I recall, he described a company union as he understood it to be what the Minister understood it to be, namely, one that had been created through intimidation or through bribery or some interference on the part of the management. To that Mr. Mosher was entirely opposed, but if I am correct he did say in answer to a question put by myself that where the company union was the free expression of opinion by way of secret ballot and election of their own representatives from their own employees without any interference on the part of management in any manner, shape or form, he had no objection to that because that was free association and the democratic way of men electing their representatives. Have you any objection to that kind of company union?

A. Mr. Mosher differentiated between what we would call an independent union and a company union'. I would hesitate to say at this moment whether the Bell Telephone employees' association is a company union or an independent union. I would be rather prone to think that the Bell Telephone employees' association on examination probably would come within the category of a company union, and if they do come within that category, if it is shown that that union was not in reality the independent choice of the workers after they had had full opportunity to indicate that choice, I would say that only in very few instances would workers wilfully choose a so-called independent union if they had an opportunity to become part of a national or an international union.

Q. Mr. Mitchell says they have no objection to collective bargaining. As a matter of fact, the exhibit he put in was really a collective bargaining agreement between the members of the employees secretly elected to represent them without any interference on the part of the management, and that between eight of them and three of those representing management they drafted this agreement, which has been revised two or three times and which is perfectly satisfactory to both the management and the employees.

A. There is one principle I would like to put forward here: Why do workers join a union such as the union of which I am an officer and which has its international and national affiliations? They join that union because through that union they secure the support of experienced

people who are not employed in their particular plant. That is principle No. 1 in joining a union, that a group of employees in a plant, because they are working there from day to day and because there are so many avenues open to management, from the foreman up, to exercise discrimination, sometimes subtle and sometimes open, just feel they need some protection from outside the plant; and therefore they join the union where they can have, whenever necessary at any stage and in any difficulty that occurs, someone come in and sit down with their committee to help them to balance up the bargaining power and opposition of the two groups around that conference table. That is the reason that 99 times out of 100 a worker joins a union, to secure that protection. And the proof of it, if you will, is shown in the attitude of certain management when their employees have by vote overwhelmingly indicated that they want such a union: the management by various means of argumentation attempts to exclude from the negotiation of the agreement or from the interpretation of the terms of the agreement during the life of it, the representatives of that union who are not employees of the plant. I think that fairly conclusively substantiates the statement that employees join a union in order to have that outside protection, and I can cite you examples if you wish.

THE CHAIRMAN: Q. That is not my point? A. That is where the analysis has to be made. You have introduced the Bell Telephone employees' association. Frankly I am not familiar with the manner in which it was set up or is conducted, but it would be my opinion that a full

examination of that situation would reveal that those employees or that association are not fully independent in the sense that an organization that has affiliations or connections or leadership outside of the employ of the company would be.

Q. Mr. Mitchell represents 5,000 men, and he tells us they are perfectly happy and contented with the arrangements they have with the management. Would you go so far as to suggest that we recommend to the legislature that that company be immediately outlawed?

A. I would put it this way, that what the legislature will have to do is draw up a set of laws. The interpretation or practice of such laws will depend on the conditions in any given plant, and the best any law can do is set out the principles under which people wanting to exercise free choice may do so; that a company union as such be defined in specific terms as any organization where company management does not interfere in any way with the operation of the organization of their employees' choice. That part of it should be very specific.

Q. After it gets into working order? A. Yes.

MR. MURRAY: Q. Are you in favour of big monopolies?

A. That sounds like a leading question!

Q. I assume that in the case of one big union you would have a big monopoly which would put the head of the union in the position of a dictator, and I think the government should be very careful not to allow a big monopoly, whether in industry or labour? A. I would point out, in the first place, that in any industrial organization such as ours there are plenty of checks and

balances throughout the organizational structure by means of district conventions, annual conventions, membership meetings, the right of recall of any officer, to protect the interest of the membership and prevent dictatorship from the top.

THE CHAIRMAN: Q. History shows that generally dictators are riding for a fall, anyway? A. A few have attempted it in the labour movement, and they have fallen.

I did want to have Mr. Russell give you a short picture of the Underwood Elliott Fisher situation, because it is a classic example of intimidation.

THE CHAIRMAN: Then we shall hear him now.

ROSS RUSSELL, Sworn.

EXAMINATION BY MR. FURLONG:

Q. What is your office in this organization?

A. Field organizer.

Q. In Canada? A. Yes.

Q. Are you from the other side? A. Oh, no.

Q. You are a Canadian? A. Yes.

Q. Proceed? A. On the question of the Underwood Elliott Fisher, about three and a half weeks ago a group of workers from the plant---

THE CHAIRMAN: Q. Pardon me, how many employees have they? A. There are two divisions. The service division has 108, including the managerial staff, and that is the division we are mainly concerned with; the manufacturing division has approximately 200.

Q. Proceed? A. About three and a half weeks ago we were approached by a group of employees from the service department of the Underwood Elliott Fisher Company.

Q. By "we" you mean whom? A. Our union officers.

Q. That is the United Electrical, Radio and Machine-workers of America? A. Yes. I was asked to help them in their organizational efforts and I did so. We held two meetings, to be exact, inside of seven days. On the eighth day the company posted a notice in both plants stating that work would cease at 3.30 instead of 5.00 and 5.30 respectively, and that there would be a mass meeting held in a special chamber they have upstairs, and all employees were told to attend this meeting. The meeting was addressed by the president of the company who outlined to them the formation of a company union that they were going to start immediately, and he pointed out that within the next two days they would have a ballot and elect their own officers. Some of the people who are members asked for the right to speak, and were allowed to do so. They objected, and asked the president if he had any objection to postponing this matter for two weeks so that the maximum number of employees could understand both sides of the picture, and then would be in a better position to understand what it was they would be voting on. He agreed to this.

However, the very next day, despite his agreement, they went ahead with this ballot. The ballot was

conducted fairly democratically. They had their cardboard boxes sealed up with respect to the election of officers in each department. As Mr. Jackson pointed out, over 90 per cent of the people in both divisions are members, and these two groups got together and drew up a petition stating that although they were the elected representatives they were in favour of a bona fide union, and therefore would suggest to the management that a government-supervised vote be held in as short a period of time as possible to vote on whether or not the employees should have a company union or, as they call it, a bona fide union of the United Electrical, Radio and Machineworkers of America. Both bodies were dismissed the following day.

Q. Do you mean discharged? A. No, not discharged; but their functions as representatives of the various departments were terminated. Then the company immediately started a new system whereby they gave the foremen pads and pencils and the foremen called in each person in his department and engaged them in conversation and asked: "Do you want a company union? Do you want to put your name down here? If you don't, things may not be so good."

The second day after that we received in our office eleven letters from juniors. They have there what they call juniors, youngsters ranging from 15 to 17 years. These juniors sent us letters with their signatures on, but they made rather an error in that the eleven letters were on exactly the same paper and in exactly the same envelopes, which are the envelopes used by the Underwood

Elliott Fisher Company, and the typing was done on the same typewriter, and the wording was practically the same in all eleven letters.

When this took place I attempted to get in touch with the president personally but could not do so. I got in touch with the personnel manager, who agreed to see me. I suggested to him that he agree to take a government-supervised vote, and he said he would think it over and discuss it with the president, and made an appointment for three days hence with me. However, on the following day I received a letter from him pointing out that it was not necessary, in his opinion, as they had conducted their own new election and found that the majority of the people were in favour of their company union.

Now, some very peculiar things happened. Amongst these eleven letters we received from juniors we found that in at least one case, and probably more - we could bring witnesses here - someone had gone around and offered to give back to them - these juniors are making small fees and cannot afford to pay the \$2. initiation fee required by our union, so they pay \$1. down, and a week or two hence they pay the second dollar - someone went around and offered to give back to them their original dollar.. In one case at least we can have a person come here to swear that he accepted the dollar given to him to buy him off and used it to pay his second dollar on the initiation fee. (laughter)

Then at the same time people were let out up in the manufacturing end. There were two or three, shall we say, leading union people, and it is interesting to

note that the leading union people in the service division where we have a majority at present and have asked for a board are people who have been working for the company for 15 to 17 years, skilled mechanics. Last week-end I got a call from one of them who is an ardent bowler and who goes bowling every week at the same time exactly. Last week he was not feeling well and did not go bowling, and ten minutes after he was supposed to have left the house the police walked into his house and demanded to search, and wanted to know what he had hidden in there. He said he did not have anything hidden, but if they had a warrant they could search the house, or if they had a warrant for his arrest, he would go quietly with them. They did not have the warrant, and he told them to get out.

Q. What police? A. The city police - it may have been the provincial, but I think it was the city police.

Q. Yes? A. Then the day before yesterday, just as soon as he came back from lunch the police picked him up again and took him to the office at headquarters and kept him there three hours. He demanded to leave, and started to walk out, but he is only a little fellow and a big policeman picked him up and put him back in the chair, so he did not try again.

Q. You do not know whether it was the city police?

A. No.

MR. HAGEY: Q. Do you know what the charge was?

A. No; they would not lay any charges.

MR. HAGEY: Perhaps he has ground for action.

MR. FURLONG: Has he seen a lawyer yet? (laughter)

WITNESS: I just wish to point out some of the tactics that have been used. I understand that today two people were fired. I got a rush call just a few moments before I left to come here to say that two young girls, who are members of the union and who had attended our meeting the other night when we had to take a strike vote in accordance with the law, had been fired.

This meeting was conducted at the Y.M.C.A. close by the plant, and I got a note saying the executive secretary of the Y.M.C.A. would like to see me when the meeting was over, and he told me he was very sorry but we could not hold any more meetings in their place. I asked him if we had done anything wrong. Well, anyway, he told me eventually that the Underwood Elliott Fisher Company had put considerable pressure on him, and he was of opinion that we were calling a strike. It was necessary to explain to him the law that we are forced to take a strike vote in order to get a board.

These are just some of the forms of intimidation that have been carried on there. I could go on for a considerable period, but I think the reporter's arm might be broken.

MR. FURLONG: I think what Mr. Jackson has stated and the example you have given are ample for the purposes of the committee along that line. Thank you.

---Whereupon the committee adjourned at 4.20 o'clock p.m. until 1.30 o'clock p.m. on Monday, March 8, A.D.1943.

THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

Proceedings of Select Committee
regarding Collective Bargaining
between Employers and Employees.

FIFTH DAY
MARCH 8, 1943

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THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M.P.P. Chairman.	Windsor-Sandwich Riding
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J.A. A. Habel, M.P.P.	Cochrane North Riding
Mr. H. L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F. R. Oliver, M.P.P.	Grey South Riding
Mr. J. P. Mackay, M.P.P.	Hamilton East Riding
Mr. T. P. Murray, M.P.P.	Renfrew South Riding

FIFTH DAY

In Committee Room No.1
Parliament Buildings
Toronto

Monday, March 8, 1943 at 1.30 p.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont.Division).

---Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

---Mr. Percy R. Bengough, acting-president of the Trades and Labour Congress of Canada, (A.F.of L.).

---Mr. J. A. Sullivan, vice-president of the Trades and Labour Congress of Canada, (A.F.of L.) and president of the Canadian Seamen's Union.

---Mr. John Gavin, Chairman of Ontario Executive of Trades and Labour Congress of Canada.

AFTERNOON SESSION:

THE CHAIRMAN: The committee will please come to order.

Mr. Furlong, what is the order of business this afternoon?

MR. FURLONG: Mr. Chairman, I have here a number of cards similar to exhibit No. 4. There are 215 in one bundle and 435 in another. I shall file them. I think they are from Mr. Pat Sullivan's Seamen's Union.

---EXHIBIT NO.28: Postcard postmarked March 5, 1943, addressed to The Hon.Gordon Conant, Prime Minister of Ontario, Queen's Park, Toronto, and reading:-

"I, a citizen of Ontario, urge you to introduce and adopt a genuine collective bargaining bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labor-management co-operation and national unity to win this war.

"It is apparent that small but powerful selfish groups have loosed a reckless campaign to prevent the enactment of the legislation you promised to enact. Your Government must not capitulate to that reactionary pressure.

"I urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who want unity, and all-out effort, and a democratic labor policy in accord with the modest wishes of organized labor.

"Name: H. Kamiel

"Address: 373 Crawford St. Toronto.

"Sponsored by The Canadian Seamen's Union."

MR. FURLONG: Then I have here a letter from the Council of the City of Oshawa, dated March 5, 1943:

"CORPORATION OF THE CITY OF OSHAWA

"March 5, 1943.

"G.D.Conant, Esq., K.C.,
Premier, Province of Ontario,
Parliament Buildings,
Toronto, Ontario.

"Dear Sir:-

"The Council of the City of Oshawa, at their meeting on March 1st, endorsed the resolution of the Council of the City of Toronto, petitioning the Provincial Government to enact a modern Collective Bargaining Bill, at the present Session.

"Respectfully yours,

(sgd) "F.E.Hare,

"Clerk."

-----EXHIBIT NO. 29: Letter dated March 5, 1943, from the Council of the City of Oshawa, per F.E.Hare, Clerk.

MR. FURLONG: Then I have received a large number of petitions signed by many persons. The contents of these petitions appear to be the same. They are from the employees of the Massey-Harris Company. I will read the first one:

"PETITION

"To the Ontario Government for the Immediate Passing of Collective Bargaining Legislation to Enable Free Labor to do its Full Share in Winning the War.

"We, the undersigned employees of Massey-Harris Co. urge you at this critical phase of the Canadian war offensive to adopt the proposed labour legislation providing an unqualified guarantee of the right of democratic trade union organization and collective bargaining.

"Labor legislation will enable workers to divert energies used in defending themselves against reactionary industrialists opposed to free labor unions, towards achieving maximum production necessary for the offensive on the continent of Europe and other parts of the world.

"Ontario labor wants to do everything to bring about Labor-Management Government co-operation for all-out production. With this conviction we urge upon you the necessity of rejecting the demands of anti-labor organizations that this bill be discarded. We expect our Ontario Government to stand behind its pledge to labor."

They are all the same, and I would say there are 1000 names there.

---EXHIBIT NO. 30: Bundle of petitions from employees of Massey-Harris Company to the Ontario Government re Collective Bargaining legislation.

MR. FURLONG: Then I have a petition from the United Steelworkers of America, Local 2514, reading:

"UNITED STEELWORKERS OF AMERICA
LOCAL 2514

"March 5, 1943.

"Mr. Patterson Farmer,
Room 220,
Parliament Buildings,
Toronto.

"Dear Sir:

"Please accept this petition from the members and executive of Local 2514, United Steelworkers of America, asking for a recommendation from your Committee, in favour of a Collective Bargaining Bill similar to the one promised by the Ontario Government.

"I do not apologize for the condition in which you find this petition, as it is signed by two hundred and forty workers, who are working towards a total war effort, despite opposition from numerous sources; and it was signed during working hours.

"Yours respectfully,
(sgd) "Albert Rawlins,
"Secretary."

Attached to that letter are five ruled foolscap sheets each headed:

"We, the undersigned members of Local 2514 of the United Steelworkers of America, believing that a Collective Bargaining Bill on the lines as promised

by the Ontario Government is conducive to peace in industry, and a needed stimulant to war production, so vital in this year of promised offensive action, beseech you to implement the Government's promise by submitting a favourable recommendation."

Each of the five pages is filled with signatures.

---EXHIBIT NO. 31: Letter dated March 5, 1943, from the United Steelworkers of America, Local 2514, addressed to Mr. Patterson Farmer, and enclosing five foolscap sheets of signatures to the foregoing petition.

MR. FURLONG: Then I have another petition from the employees of Precision Dies & Casting Co. Ltd., Toronto, reading:

"We, the employees of Precision Dies & Casting Co. Ltd., Toronto, urge that the present sitting committee sees fit in the interest of maximum production and a total war effort to recommend a genuine collective bargaining Bill."

There are three sheets filled with signatures.

---EXHIBIT NO. 32: Undated petition from employees of Precision Dies & Casting Company, Limited, Toronto, re collective bargaining bill.

MR. FURLONG: Then I have a petition from the employees of the Ward Street C.G.E., which I assume means Canadian General Electric, reading:

"We, the employees of Ward St. C.G.E. urge immediate enactment of a genuine collective bargaining bill as an essential measure for Total War."

I suppose there are about 100 names on that exhibit.

---EXHIBIT NO. 33: Undated petition from the employees of Ward Street C.G.E. re collective bargaining bill.

MR. FURLONG: Then there is a petition from the employees of the Royce Avenue Works C.G.E. reading:

"We, the employees of Royce Ave. Works C.G.E. urge the immediate enactment of a genuine collective bargaining Bill as an essential measure for Total War."

That will be attached to exhibit No. 33.

Then there is another bundle of cards which will form part of exhibit No. 28.

Then I have here a resolution from the City of Welland, reading:

"Welland, Ont. March 4th, 1943.

"Honored Sir:

"The following is a copy of a resolution passed by the Council of the Corporation of the City of Welland at a meeting held on March 2nd, 1943:

"Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

"Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in war-time; and

"Whereas all labour organizations in Canada have appealed for collective bargaining legislation as

already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed:

"Be it therefore Resolved that this Council petition the Government of the Province of Ontario and request that it do, at the present Session of the House, enact a modern Collective Bargaining Bill."

"I have the honor, to be, Sir,

"Your obedient servant,

(sgd) "J.D.Watt,
"City Clerk.

"Honorable G.D.Conant,
Premier of Ontario,
Parliament Building,
Toronto, Ontario."

---EXHIBIT NO. 34: Letter dated March 4, 1943, from J.D.Watt, City Clerk, City of Wolland, to the Honorable G.D. Conant, setting out copy of resolution passed by council of the corporation at a meeting held on March 2, 1943.

MR. FURLONG: Then I have here a resolution from the City of Windsor, dated March 4, 1943:

"March 4, 1943.

"Dear Sir:

"I beg to advise you of the following recommendation of the Board of Control, adopted by City Council at a regular meeting held March 2, 1943:

"37. That whereas it is desirable to take all steps to ensure the very maximum of wartime production, one of which is the achievement of the

greatest measure of co-operation between labour and management; and whereas this condition will be assisted by the adoption of collective bargaining legislation as already exists in Great Britain and the United States of America; therefore be it resolved that this Council petition the Government of the Province of Ontario to enact at this session of the Legislature a collective bargaining bill such as has been under consideration by the Department of Labour for some time.'

"Yours very truly,

(sgd) "C.V.Waters,
"City Clerk.

"Copy to:
Hon.Peter Heenan,
Minister of Labour.

"The Honourable G.D.Conant,
Premier of Ontario,
Parliament Bldgs.,
Toronto, Ontario."

---EXHIBIT NO. 35: Letter dated March 4, 1943, from C.V.Waters, City Clerk, City of Windsor, to the Hon.G.D.Conant, setting out recommendation of Board of Control adopted by City Council on March 2, 1943.

MR. FURLONG: Then I have here a bundle of petitions which appear to be all the same, whoever placed them before me. Are these from your organization, Mr. Bengough?

MR. BENGOUGH: They are from Windsor.

MR. FURLONG: Thank you. The petition reads:

"PETITION

"We, the undersigned, petition the Ontario Legislature, to work with all the energy at its command,

for the speedy enactment of a bill guaranteeing the right of Labour in Ontario to collective bargaining, through the unions of its choice and outlawing company unions and banning discrimination by employers against employees for union activity."

They are all the same.

You say these all come from Windsor, Mr. Bengough?

MR. BENGOUGH: Yes.

MR. FURLONG: Our boys are really active, Mr.

Chairman!

MR. SULLIVAN: I understand that you will receive 40,000 more during this week, Mr. Chairman.

--EXHIBIT NO. 36: Bundle of petitions from members of Trades and Labour Congress of Canada (A.F. of L.), Windsor, Ontario.

MR. FURLONG: This afternoon, Mr. Chairman, has been set aside for the Trades and Labour Congress, and I understand that Mr. Percy Bengough, the acting-president, Mr. "Pat" Sullivan, the vice-president, Mr. John Gavin, chairman of the Ontario Executive, and Mr. John F. Cauley, a member of the Ontario Executive, are here to represent the Congress.

Who wishes to speak first?

MR. BENGOUGH: Mr. Sullivan.

MR. FURLONG: Will you please come forward, Mr. Sullivan.

JOHN A. SULLIVAN, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Sullivan, what is your full name?

A. John Alvin Sullivan.

Q. What office do you occupy in your organization?

A. I am president of the Canadian Seamen's Union.

Q. I take it that that union is affiliated with--?

A. With the International Seamen's Union of North America.

Q. And does that union come under the control of the Trades and Labour Congress? A. It is affiliated through our international office with the Trades and Labour Congress of Canada.

Q. Your organization is the American Federation of Labour? A. Yes.

Q. And I understand that the A.F.of L. is the father of them all? A.That is right.

Q. How many locals come under the parent body known as the Trades and Labour Congress? A. In the dominion?

Q. Yes? A. We have in the dominion 1822 local unions throughout Canada.

Q. How many members would they represent?

A. 264,375 according to our latest turn-in, which was approximately two months ago.

Q. How many of those locals are in Ontario?

A. In Ontario we have 765 local unions.

Q. And how many members? A. A membership of 98,462.

Q. I think that is all I need ask you at the moment. Please proceed with your brief?

A. So that I shall not interrupt anybody I will take a glass of water first. By the way, I am also vice-president of the Trades and Labour Congress of Canada.

(page 375 follows)

"SUBMISSION ON BEHALF OF THE TRADES AND LABOUR
CONGRESS OF CANADA TO THE SELECT COMMITTEE ON
LABOUR APPOINTED BY THE LEGISLATIVE ASSEMBLY
OF ONTARIO

"I appear before this Committee in my capacity as a National Officer of the Trades and Labour Congress of Canada, and I represent in that behalf 264,375 trade unionists organized in 1822 local unions throughout Canada. More particularly, I speak here today for 98,462 Ontario trade unionists associated in 765 local unions, affiliated to or chartered by the Trades and Labour Congress of Canada. These local unions are situated in all the cities and towns of this Province and they cover every variety of industry. The vast majority of these industries are engaged in war production, as appears from the following partial enumeration: Aircraft production, construction, manufacture of munitions of war and supplies, metal trades, needle trades, pulp and paper, shipbuilding and transportation.

"The organized workers whom I represent, and I believe the public at large, welcome the manifestation by the Government of Ontario of its intention to bring down and enact a collective bargaining bill during the present session of the legislature. We view its enactment as an indispensable spur to the strengthening of our democracy in these stern days of war. We believe that it will serve the immediate needs of the war. Hard fighting lies ahead of our

troops. They must be sustained by super human efforts on the production lines. A collective bargaining bill at this time will evoke an enthusiasm and lift the hearts of our workers at a very psychological moment, at a time when our military leaders are on the verge of beginning a great push for final victory. We consider that a collective bargaining bill will serve as a beacon of hope pointing the way to a promising future for the common man in the post war reconstruction period. Moreover, such a bill will be an important stabilizing element in relation to the problems that will beset us in the reconstruction era. The working men and women of Ontario in whose names I speak, rejoice that the Government of Ontario may at long last give legislative expression to fundamental principles of industrial democracy and thus range this Province alongside of Great Britain, Australia, New Zealand and the United States, countries in which these principles have long been established, both by settled practice and legislation.

"It is only right that our position on collective bargaining should be presented to you frankly, clearly and without ambiguity. But, I must first of all in the interests of truth and for the sake of our integrity, dispel certain fears and allay suspicions which have been cultivated in the public mind by a campaign of distortion and active misrepresentation. While it is our policy to encourage the formation of

trade unions, we do not view collective bargaining legislation as a means of forcing every worker to join a trade union. Still less, do we view collective bargaining legislation as a means of forcing organized workers to affiliate to the Trades and Labour Congress of Canada. We recognize that independent unions are entitled to maintain their separate existence and to enjoy the benefits which flow from bona fide trade union organization. Such unions are our allies on the production lines. But let me assert here, that we reject emphatically, any alliance or association with that illegitimate child of industrialism -- the company union.

"A neutral observer of employer-employee relations in Ontario, say a person from Great Britain, would be astonished to find an archaic system in operation in this Province, a system which pays tribute to conflict rather than to cooperation. There is a theoretical recognition of the title of trade unions in existence -- ever since the criminal taint was removed from trade unions in Canada, in 1872, there has been no legal obstacle to their formation -- but prodigious efforts are expended to prevent their formation and to sterilize the functions of those that manage to be born. Our British observer, coming from a country where trade unionism has been woven into the fabric of its industrial and political life, would find evidence to support the view that in Ontario we have not yet fairly taken the first hurdle towards

industrial democracy -- the right of workers to organize freely and to bargain collectively with their employers respecting conditions of employment. Our neutral observer might well conclude from an appraisal of the statistics of labour disputes that freedom of association, which is so widely accepted in the sphere of politics, has yet to be realized in Ontario as an effective principle in the area of industrial relations.

"Freedom of association industrially, means freedom of workers to create their own organizations for self representation. In a passive sense, freedom of association involves freedom from fear of penalty or intimidation by an employer. In an active sense, it involves the right of a workers' organization to function for its intended purposes. Under the law of Ontario as it stands, employers are not required to give their workers' organizations the opportunity to function in their members' interests. In other words, employers need not bargain collectively with unions, need not meet with them to consider questions affecting the conditions of employment of their members. This refusal of employers to meet with trade unions is spoken of as a refusal 'to recognize the union'. The reasons given for such refusals will not bear close examination. Trade unions have no desire to dictate industrial policy; they have no wish to instruct an employer on the methods which he should use in

financing his business or marketing his products. But as organizations composed of and representing employees, trade unions are entitled to a voice in the determination of those aspects of an employer's business which directly concern the employment of workers. If an employer can speak with a single voice to his employees, there is no reason to deny to them the right to speak with a single voice to the employer.

"It should be said in all fairness, that many employers in Ontario have preferred to take an enlightened path and to profit by the experience of Great Britain, Australia, New Zealand, the United States and other Provinces of Canada. But so many employers, especially so many powerful corporation employers have preferred to remain feudal in their conception of industrial relations, that they have imperilled the movement towards industrial democracy. The legislature of Ontario is now called upon to bridge the gap between the system of industrial relations which is in effect in other parts of the British Commonwealth of Nations and in the United States, and that system, which is still a permissible pursuit in Ontario, which chokes the proper aspirations of the working men and women of the Province.

"It is no abstract reasoning that we offer in support of the need for a collective bargaining law. If as much attention were called to the causes of

industrial disputes as to the fact that there are industrial disputes, the public would have a clearer appreciation of the responsibility which recalcitrant employers bear for interruptions in production. We must not confuse the symptoms with the disease. Statistics of the Federal Labour Department and of the Ontario Department of Labour, reveal with telling effect, the extent to which the refusals of employers to bargain collectively, that is, refusals to recognize or to meet with trade unions, have resulted in industrial conflict. Thus, the report of the Ontario Department of Labour for 1942 states, at p. 28:

'Most of the cases involving mediation included the question of collective bargaining and union recognition. The absence of machinery for dealing with these matters, added to the difficulties with which our officers were faced.'

"The reports of the Dominion Department of Labour reveal that during the calendar year 1942, there were 104 disputes in respect of which applications were made for boards of conciliation and investigation, under the Industrial Disputes Investigation Act, and of these 77 involved the question of union recognition or collective bargaining. During the calendar year 1941, there were 143 such disputes and of these 89 involved the question of union recognition. During the calendar year 1940, there were 66 such disputes and approximately 40 involved the question of union recognition. These figures emphasize that the characteristic feature

of industrial relations in Ontario is the struggle of unions for simple existence. Until the threat to their existence is removed, until unions are able to function in collective bargaining in fulfilment of the purpose for which they are formed, they will remain severely handicapped in their attempts to discharge their obligations towards their members and to the public at large. It is grossly unfair that unions should be harried and pilloried into a precarious existence and then be castigated for failing to measure up to an ideal standard. Let no stones be cast at organizations whose total energies must be expended in frustrating attempts to destroy them. Unions in Ontario have a proud record of achievement, notwithstanding the difficulties which dog them through no fault of their own.

"The figures which I have quoted do not, however, tell the whole story. Disputes can arise only if there is at least the nucleus of an organization in existence. In countless cases, employees are so intimidated that they are never in a position to bring their grievances to any issue. They are so restricted in the exercise of any freedom of action that they are never in a position to organize for their mutual aid and protection. In the establishments where such a condition prevails, any attempts to organize are quickly met by the management by making an example of, that is, by discharging, the promoters, whom the management usually refers to as

the agitators. The Trades and Labour Congress of Canada takes the stand that freedom of organization, freedom of association, is crucial to the consideration of a collective bargaining law. So long as the main problem that our workers have to contend with is a problem of organization, only the negative aspects of collective bargaining may seem to bulk large. Given a guarantee of freedom of association and freedom of organization, workers, as the experience in Great Britain and in the United States clearly demonstrates, are capable of contributing positively to the welfare of their industry and of their country.

"Trade unions are formed to redress inequalities in the bargaining position of individual workers. It requires no demonstration that an individual worker is in a helpless economic position in relation to his employer. Through the trade union the worker finds an avenue for expression and fulfilment of his personality as an industrial employee. Much is often made of the fact that a worker's liberty of contract must be preserved. But only collective bargaining can establish that equality of position between employer and workers in which liberty of contract begins. Collective bargaining is more than a technique of settling wages and hours and other conditions of employment. Collective bargaining is important in affording some guarantee to workers of security in their jobs. The property interest which employers claim in their businesses stands on no higher plane

than the property interest of the worker in his job. In addition, collective bargaining offers some assurance that grievances will be fairly and impartially adjusted. Where collective bargaining is established, there is some guarantee that changes in industrial methods will not be made in utter disregard of the welfare and interests of the workers. Where collective bargaining is in operation industry is better stabilized, if only because a major source of industrial conflict has been removed. Acceptance of collective bargaining assists in the elimination of competitive advantages, which often exist through wage cutting and through keeping workers in parts of an industry in an unorganized and subservient state. Finally, the establishment of collective bargaining must inevitably give employees a sense of participation in the problems confronting the plant and the industry in which they work. Collective bargaining in other words, leads to emphasis on mutual interest, rather than on conflict. The sharing of responsibility between labour and management will make both more eager to measure up to a higher conception of their reciprocal rights and duties, and this will inevitably redound to the public advantage. Not only will it achieve the widest measure of industrial peace, but it will tell in the rise in production figures, in cutting down costs, in eliminating frills and generally in promoting sound business practices.

"Attempts have been made and will be made, to

represent that collective bargaining legislation is unnecessary because there is general acceptance of the principle of collective bargaining. In view of existing evidence of the extent to which trade union organization is prevented and discouraged, and in view of the number of industrial disputes in which collective bargaining has been the point in issue, the contention that collective bargaining legislation is unnecessary is made either by those who are ignorant of the facts or who espouse a different principle of collective bargaining than that understood and supported by organized labour and students of labour relations. This much let me say now -- employers who believe in and practise genuine collective bargaining will not oppose collective bargaining legislation. Employers who do object to a collective bargaining bill are precisely those persons and firms who will not be persuaded in favour of genuine collective bargaining short of effective legislation or outright strife. The Trades and Labour Congress of Canada says, 'better legislation than strife.' Those who are devoted to and recognize the value of collective bargaining will have nothing to fear from a collective bargaining bill, but we would say to opponents of a bill that they need not mask their opposition by subtleties. We know that opposition to collective bargaining legislation on the ground that the principle of collective bargaining is generally accepted is merely an expedient by which anti-union

employers, if they are successful in forestalling the enactment of collective bargaining legislation, hope to keep themselves free to pursue their main objective, which is to defeat the purposes, if not to bring about the destruction of trade union organization. We know that they pay lip service to collective bargaining -- they are for it, so long as no steps are taken to make it effective.

"We are aware of the fact that in Great Britain there is no legislation making collective bargaining compulsory. So what? Will Ontario employers agree to give workers here the same privileges and advantages which English workers enjoy through legislation and through practice. If so, we can dispense with the collective bargaining bill. But we know the facts in Ontario. We, in this Province, are in some respects, in the position of the England of 1870. Are we then to experience 70 more years of frustration before achieving a measure of sanity in industrial relations? Are we incapable of catching up on our own backwardness? Other Canadian Provinces have at least tried to meet a similar situation by legislation -- so has the United States. It is the legislature's function to give expression in legislation to social policies which are desirable in the public interest. It is our sincere submission that the legislature can do no greater credit to itself or better justify to the electorate, than by carrying through a genuine collective bargaining bill.

"I turn now to a consideration of what in our sober opinion, are the reasonable requirements of a proper collective bargaining bill. We feel that we will be of greater assistance to the Committee if we make some specific proposals on the subject of collective bargaining -- but we do so without feeling that we are under any obligation to accept responsibility for what the Committee or the Government or the legislature of Ontario may finally do."

In other words, Mr. Chairman, we are giving you the baby!

"1. A collective bargaining bill must be first of all a bill which guarantees in explicit terms, freedom of association and self organization by workers without intimidation and without coercion and without discrimination; without restriction or exercise of influence of domination by employers. If there is to be any hope of effective and genuine collective bargaining, freedom of association must be put beyond dispute. Collective bargaining presupposes that there is collectivity or organization of workers, and hence adequate assurance for organization must be given.

"2. The assurance of freedom to organize must be given to all employees be they manual, clerical, technical or professional workers. Agents of employers or persons on any employer's payroll having power to hire and fire, should be excluded from the category of employees to whom collective bargaining benefits

are to be extended.

"3. A collective bargaining bill should bring within its scope all employers engaged in any industry, trade or business, in the Province, as well as municipalities, school boards and other such public bodies.

"4. The term 'collective bargaining' should be defined with some precision. At the very least, it should include negotiations by an employer in good faith with his employees as a group, on matters relating to wages, hours and other conditions of employment, with intent to reach an agreement for some fixed period of time.

"5. An enforceable legal duty should be imposed upon employers to bargain collectively with the representatives of that organization of their employees which, being properly ascertained, is entitled to represent them for that purpose. To allow employees to organize and to be represented by representatives of their own choice has very little meaning from the standpoint of industrial peace unless the employer is compelled to recognize and bargain with them. It is the absence of any such duty, under the law as it stands, and the refusal of employers to subscribe to such a duty as a matter of practice, which has been the stumbling block in the achievement of mutually satisfactory relations between employers and employees under the terms of collective agreements. The legal duty to bargain collectively with employees

should not be affected by the existence of any strike or lockout. The employees do not cease to be such merely because a strike or lockout is in existence and moreover, collective bargaining would be a major factor in ending any such dispute.

"6. A collective bargaining bill should provide for the determination of the collective bargaining unit in any plant or industry. This may, as a practical matter, depend on existing bona fide employee organization in any plant or industry, or on the way in which a plant or industry lends itself to collective bargaining in the best interests of employers and employees, and above all, of industrial peace. At all events, flexibility should be maintained so that the collective bargaining unit may be a craft or trade within a plant or all the production employees of a plant, or all office and production employees of a plant, or perhaps, all employees of several plants owned by the same employer. In the final analysis, determination of the collective bargaining unit must be a matter of common sense.

"7. Provisions should be made for taking a vote, if necessary, of employees within any fixed collective bargaining unit, in order to determine, whenever such determination becomes necessary, their choice of representatives for collective bargaining. The vote should of course, be by secret ballot, under impartial auspices and care should be taken that in determining the eligibility to vote of employees within a bargaining unit,

any employees who may have been discharged, locked out, shifted or demoted in violation by the employer of his duties under the proposed bill, should be permitted to participate in the election.

"8. It should not, of course, be necessary to take a vote if the employer agrees to bargain collectively with a trade union properly claiming to represent his employees, unless objections are raised to the right of the trade union to represent the employees or to the scope of the collective bargaining unit, if this latter problem bears on the propriety of the trade union's claim to be the collective bargaining agency.

"9. Collective bargaining rights within any collective bargaining unit, should be given to the representatives of the majority of the employees within the unit. Political democracy proceeds upon the basis of majority rule and no different principle can be legitimately invoked in industrial democracy.

"10. Collective bargaining rights so given should be exclusive. There can only be one collective agreement in any collective bargaining unit. We invite chaos and insure the defeat of the purposes of collective bargaining, unless we make collective bargaining rights exclusive for each collective bargaining unit.

"11. Where exclusive collective bargaining rights are awarded to a particular trade union because it represents a majority of the employees in the collective bargaining unit, it may be desirable to certify

to that fact. The certification should be valid until successfully challenged, but at all events, for some fixed period, say, for one year from its date.

"12. Yellow dog contracts should be made unlawful and unenforceable. Such contracts should include for the purpose of the proposed bill, not only contracts by which individual employees agree not to join or to resign from some trade union, but also any arrangements between an employer and any employees which would be inconsistent with the rights given by the bill. In other words, we suggest that it be made impossible legally, to contract out of the benefits of the proposed bill, just as it is impossible legally to contract out of the benefits of the Workmen's Compensation Act.

"13. Only bona fide trade unions or genuine employees' organizations should be accorded benefits under any proposed collective bargaining legislation. We are firm in our view that that counterfeit species of so-called employee-organization, usually known as the 'company union', (and also known as a plant council or work's council, or employees' committee), should be denied any standing under a collective bargaining bill. The company union (the phrase incidentally is a contradiction in terms) is a device for forestalling or undermining genuine trade union organization. In one aspect, it is the application of the principle of the yellow dog contract on a

grand scale. It is essentially a parasitic organization feeding on the gains of genuine trade unionism and seeking to camouflage its real purposes by imitating trade union organization and techniques. It comes into existence under the inspiration of the employer and is influenced, dominated or supported financially and otherwise, by him. It is not truly a worker's organization; it has no real power to make its own decisions and the scope of its activities is subject to the employer's whim. A collective bargaining bill cannot by its very nature, if truly a collective bargaining bill, give any status to any group of employees in the organization and activities of which the employer is directly or indirectly concerned. We cannot have true collective bargaining between an employer and his shadow. Of course, the question has been raised, suppose the majority of employees vote for a company union? The answer is that since a company union is a negation of freedom of association and of the right of self-organization, a vote for such an agency is not a free vote; but one which partakes of the nature of a Hitler plebiscite. Any employer who subscribes to genuine collective bargaining cannot unashamedly underwrite a company union. Collective bargaining is a procedure by which the workers express themselves through representatives of their own choosing, not through representatives which are selected or nominated or approved by the employer. Let me then place before you, our unequivocal posi-

tion in this matter; we want no bill and we oppose a bill which will give legal protection or recognition to company unions, so that anti-union employers may seek to destroy us at their leisure under the benevolent protection of the law. If industrial peace and harmonious relations are paramount considerations, this Committee will perform a public service in rejecting any pleas for inclusion of company unions in a collective bargaining bill.

"14. Trade unions should be freed from the effect of the common law doctrine of restraint of trade. This doctrine was developed by the English courts over one hundred years ago, under the influence of a social and economic philosophy which is no longer with us. The effect of the doctrine is to place many trade unions under civil disability. The doctrine has persisted because it became a precedent which the courts felt obliged to follow. Public policy has changed since the doctrine was established and it is an anachronism in present-day law. Refreshingly enough, the doctrine of restraint of trade never took root in the United States. It was finally abolished by legislation in Great Britain in 1871. It is high time Ontario took the same step, so as to bring itself into line with Great Britain and the United States.

"15. Trade unions should be protected from legal proceedings which may be instituted as a result of the acts of any of their members done in connection with or arising out of any labour dispute. The individual

members themselves must of course accept responsibility for their acts, but we cannot but be apprehensive that trade unions may be overwhelmed by litigation which may threaten their security. The experience in England indicates that protection against lawsuits is necessary if trade unions are to be free to carry out their functions in the interests of their own members, and of peaceful labour relations. Protection against legal proceedings was given to English trade unions in 1906, and the Trades and Labour Congress of Canada is of the opinion that similar protection should be afforded to trade unions in Ontario.

"16. In order effectively to guarantee the rights which a collective bargaining bill should properly give, employers should be prohibited from engaging in activities which would result in the denial of such rights. Thus, it should be provided that employers are prohibited from interfering with or denying to employees freedom of association or the right to self organization or to collective bargaining. They should be prohibited from interfering in any way, whether directly or indirectly, with the formation, operation, and administration of any trade union or organization of employees. They should be prohibited from discriminating against any employee or from discharging or suspending or demoting him in violation of the provisions of the proposed bill. They should be prohibited from interfering with or discriminating in

favour of or against any labor organization, or in favour of or against any person in regard to employment for the purpose of contravening any of the rights given to workers and workers' organizations under the proposed bill.

"17. It would be necessary, in view of this last mentioned proposition and in view also of the suggestion for outlawing yellow dog contracts, to make an exception in favour of the right of the employer and of the collective bargaining body mutually to agree to a closed shop, union shop, preferential shop or union security shop; otherwise, these various arrangements would be inconsistent with some of the suggested provisions of a proposed bill. The Trades and Labour Congress of Canada is not asking for the closed shop or any similar type of shop organization, but its position is that an exception in favour of such arrangements where made by mutual agreement, should be allowed. This is the situation which exists in the United States, British Columbia, Alberta and Saskatchewan.

"18. Adequate provisions should be made for the administration and enforcement of any proposed collective bargaining measure. The experience in the United States is clear that unless administrative and : enforcement provisions are adequate a collective bargaining statute may be worthless. The Trades and Labour Congress of Canada is satisfied to have the general administration of the proposed bill placed in the hands of the Minister of Labour. This will

have the effect of fixing responsibility for the successful carrying out of the purposes of the bill. Successful administration, however, requires that the Minister should have a competent and sufficient staff and this will be possible only if the legislature is prepared to vote a sufficient sum of money to insure the proper carrying out of the terms of the proposed bill. A collective bargaining bill is social legislation and we in the trade union movement have long ago learned and learned well, the lesson that the effectiveness of such a measure depends as much, if not more, on the way in which it is administered and enforced, as on its particular terms.

"19. We propose, of course, that penalties be provided for any breach of the duties imposed upon the employer by the bill. But, we do not consider that the imposition of penalties is necessarily a satisfactory method of securing the objects of the bill. It is our opinion that the bill should provide for remedial action in at least three respects:

- "(1) By enabling a direction to be given for reinstatement of employees who are discharged, suspended or demoted in contravention of the provisions of the bill;
- "(2) By enabling a direction to be given for payment of back pay to such employees;
- "(3) By enabling a direction to be given for the dis-establishment of company unions.

"Only by provision for such positive remedial action can there be an effective guarantee that the terms of the bill will have real meaning.

"20. A proposed collective bargaining bill in the terms which we have suggested should also contain rules of procedure. It is extremely important in such a bill that no undue delay take place in the granting of relief or in the enforcing rights which are granted. The Trades and Labour Congress is of the opinion that time limitations should be fixed within which the machinery of the proposed bill should be put into operation. It is suggested that action upon any application under the proposed bill should be initiated within 15 days and should be concluded within 30 days. In addition, the Trades and Labour Congress is of the opinion that because the matters to be dealt with under the proposed bill are such as have never been dealt with by the ordinary courts, care should be taken to exclude the interference of the courts in connection with the administration of the bill, except in so far as prosecutions for penalties are concerned.

"So far, we have in a general way, made our position clear on points of inclusion. There are a number of points of exclusion on which we feel very strongly.

"1. We are opposed to any attempt to make collective agreements enforceable. The present position of such agreements under law is that their violation does not carry any legal consequence. This position we do not wish disturbed. Collective agreements are peculiarly documents of good faith and of cooperation. Normally, any dispute concerning an alleged violation of a collective agreement or concerning any matter of mutual inter-

est between an employer and the union, whether directly covered by the agreement or not, will be settled by peaceful grievance and arbitration procedure. Because a collective agreement is generally made between a trade union and an employer and because any alleged violations on the part of the union can only be attributed to the acts of individual employees or members of the union, there is considerable difficulty in squaring a collective agreement with the ordinary legal contract. A collective agreement is the fruition of collective bargaining and the union is no less anxious than the employer, to measure up to the demands of responsibility for maintaining industrial harmony. There can be no collective agreement unless there has been collective bargaining and experience in both Great Britain and in the United States shows that once collective bargaining has become an accepted practice, there is little difficulty in connection with the due observance of a collective agreement both by the employer and by the union. Collective agreements are not enforceable in England or in any other Province of Canada.

"2. We are opposed to incorporation of trade unions. Trade unions are and always have been, voluntary unincorporated associations. They wish to remain so. Employers are not compelled to incorporate and they may carry on business as a partnership, or firm, or syndicate. Incorporation achieves a limitation of liability and avoids any personal liability of the

shareholders of the company. While it may serve the purposes of businessmen, it is entirely inappropriate for a trade union. There is little resemblance between a shareholder in a company and a member of a trade union. It seems to us that the proponents of incorporation for trade unions are the opponents of collective bargaining with trade unions. Insistence on incorporation would seem to point to the bad faith of those who support it, because it does not appear to us that incorporation can in any way serve the interests of industrial peace. The whole question has been thrashed out several times in England and in every instance, the decision has been against incorporation. There is no legislation which compels incorporation, either in Great Britain or in the United States, or in any other Province of Canada.

"3. We are opposed to a registration requirement for trade unions. We repeat that we are satisfied to retain our present status as voluntary unincorporated associations. We look upon registration as a species of licensing and hence, as an interference with freedom of association. It should be the purpose of a collective bargaining bill to enlarge freedom of association, not to confine it -- yet this would be the effect of a registration requirement. We look upon it therefore, as a method by which the proponents of incorporation hope to achieve their purpose indirectly. It is true that there is a provision for registration in England, but the provision is optional not compulsory and regis-

tration moreover, does not effect the enjoyment by trade unions of rights given by English trade union legislation. Registration is not required under the law of the United States, nor under the collective bargaining legislation in force in the Provinces of British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick and Nova Scotia.

"While we object to any attempt to force incorporation or registration upon us, we have no objection to filing our constitution and by-laws and a list of our officers, although even this goes beyond the English requirements.

"4. We object to any attempt to compel disclosure of our financial position to employers. There is no compulsion upon employers to disclose their financial position, and we prefer that this matter be left to our discretion. As a matter of fact, union constitutions generally provide for the yearly rendering of financial statements to members, and it is quite customary for union treasurers to report to the members on finances very frequently during the year. It seems to us that the state of a union treasury is primarily the concern of the union itself and of its members. We cannot understand employer curiosity about union finances, except as part of a general campaign of harassment of trade unions. We are sure that any such curiosity will not survive the establishment of genuine collective bargaining relations. If the Government wishes any information about union finances,

it will have no difficulty in obtaining it. The record shows that unions which have become firmly established or whose stability is no longer threatened, have no hesitation in making public disclosure of their financial position. It seems to us that it is not worth while to make a proposed collective bargaining bill an avenue for a financial inquisition. Its purpose is to encourage industrial peace, rather than to breed suspicion.

"This presentation covers those points relating to collective bargaining upon which we feel that the Committee should have a clear understanding of our views. We should like to conclude this presentation by suggesting that the time is ripe for good deeds, and not merely good intentions. May we quote to this Committee apt words on the question of collective bargaining, written in summation of various American Government reports on the question:

"The conclusions from these laborious studies would seem to be that employees will not submit to a reign of industrial absolutism; that efforts by employers to suppress bona fide organization of employees are bound ultimately to fail and, meanwhile, to provoke the bitterest industrial unrest; that the sooner employers abandon the stupid battle over "recognition", and negotiate collective agreements with labour unions as a matter of course, the better will be the outlook for stabilizing labour relations on a healthy basis; that the policy of the law, therefore, should be to encourage the development of strong labour organizations.'

"Industrial peace is not something which we can afford to ration. A collective bargaining bill must not be compromising or diluted or equivocal. It

should be clear and forthright. Labour will not fail to respond to a generous gesture.

(Page 402 follows)

That, Mr. Chairman, and the members of the committee the brief of the Trades and Labour Congress of Canada. That our members in the province of Ontario would like to leave with the committee for any consideration the committee cares to make in respect of any proposed bill.

THE CHAIRMAN: Have you had your counsel draft a bill embodying those suggestions, so we can study it, so it would help us?

A. Well, Mr. Chairman, we have not gone that far yet, because a few years ago we did bring a bill in to the Ontario Legislature. After it was kicked around so much we had to come back and ask you to give it back to us in order that we could take it out and chloroform it and bury it.

Q. Well, you may have a better legislature now.

A. Well, we hope so.

Q. You see our difficulty; there has not been a great conflict of opinion so far presented to the committee. It is a question of the mechanics. For example, you say here, "The bill should be clear and forthright." You know, as we all know, Mr. Sullivan, that trying to put an idea into words which convey the same meaning of what is in mind is one of the hardest tasks in the world. That is why I asked you if you had a tentative bill in mind.

A. I think, Mr. Chairman, if the committee in its deliberations in the next period of time until it is finished had a bill then drafted or formulated and would call in the leaders of organized labour they would be quite willing to co-operate in any suggestion as to how the matter and the machinery should be set up.

I think I am speaking for the Trades and Labour Congress when I say we would be quite willing to co-operate in that matter.

MR. PERCY R. BENGOUGH: I was wondering if the Chairman would like us to prepare a bill?

THE CHAIRMAN: We certainly would. I think everyone would. Personally speaking, myself, I would, and I think all my friends of the committee would. They seem to be of that opinion.

Q. Mr. Sullivan, may I ask this question of you, because I do not see a great deal of difference in your presentations and those of Mr. Mosher: quite a bit of your brief, the same as Mr. Mosher's brief, is devoted to company union. The difficulty seems to be to define "Company union". Mr. Mosher said that in classifying a company union he did not put in the classification of company union a union which was organized in a certain industry, take the Bell Telephone Company's brief -- you heard that? A. Yes.

Q. You heard the representative of the union, the Bell Telephone Company union, come here and state they had been getting along amicably and in a very friendly way for twenty-three years, that they had their election of representatives by secret ballot, free entirely of any interference of any kind on the part of the management and that they wanted to be left in that position. Mr. Mosher agreed, but he did not classify that type of union as a company union. He said that wherever there was a free expression of opinion on the part of the employee, free entirely from

bribery or interference of any kind or description on the part of the management he did not classify that group of men as a company union.

A. That would not be a company union, if the workers have the freedom to vote without interference. For instance, I have a constitution here in which it is stated that a man must be in the employ for one year for him to become a member of a company union and that the company employees as a whole should hold meetings which are to take place during working hours at the expense of the company. These meetings should be held on the second Monday of January and of July at 2.30 p.m.

I have no doubt if those people in that particular place were given the right to vote, if they wanted to choose an organization through their own democratic vote outside of the Trades and Labour Congress of Canada or the Canadian Congress of Labour, they are exercising the right of freedom of association. That is a principle for which we are fighting.

Q. I am glad you have cleared that up.

A. But what we do object to is when the Boss comes around after they have voted and makes them sign a statement stating that they will withdraw from the organization of their choice and will form a company union. I would not consider any union a company union where workers get the freedom of voting.

MR. OLIVER: Q. You said something about the employees meeting on the company's time; that is, that the employees' time would be paid for by the company while they were organizing and holding their meetings. If

where was no other interference on the part of the company, in your mind, would that constitute a reason for identifying that as a company union?

A. I would say that any employer who either directly, indirectly finances, dominates or controls the union -- that the definition of that is a company union.

MR. MACKAY: Q. What do you mean by "financing"?

A. For instance, in this constitution I have here, the employer states definitely that he will pay for the days while they are at the meetings held twice a year. How could we have freedom of association if the term is defined for us by the employer before we even meet?

Q. Would you consider the loaning by them of a room in which to meet is contributing to company domination?

A. I would prefer to see their meetings held outside the plant, personally.

Q. But, Mr. Sullivan, you say you are in favour of freedom of association, that a man should be free from the domination of anyone to exercise his own free will in choosing the organization to which he wants to belong. Now, if he exercises that freedom and he chooses an organization to which a company contributes something, then is that not something he desires to have? Is that not freedom?

A. I would not say it was necessary.

Q. I know it is not necessary. I am talking now about freedom. If a man is free to choose and he exercises his freedom apart from his employer altogether he goes by himself and in a secret ballot he chooses an

organization to which a company contributes, has he not exercised his free choice? A. If they act in exercising their free choice and if they should also vote to meet in a hall which was loaned and the vote was split, I do not think they would still be exercising their freedom of choice. If they determined themselves, by the vote of the bargaining unit in that plant to use that hall I would say they were exercising their own right.

MR. NEWLANDS: Q. And for meetings during the working hours? A. We have established a practice in a lot of shops where we have labour-management co-operation, where they meet and where their time is paid for. We have established if an agreement has been arrived at, labour-management committees which meet during the company's time to discuss with the management problems affecting workers and affecting production. This is voted upon in a democratic way by the union involved.

THE CHAIRMAN: Q. Which is an agreement arrived at between the freely elected representatives of the employees and the representatives of the companies?

A. That is right.

MR. MACKAY: Q. Does selective bargaining over in the United States outlaw company unions?

A. I would prefer to let our friend, the assistant counsel, answer that. I think he answered it very clearly the other day as to what the definition of a company union is under the Wagner Act. I enjoyed it, and there are a lot of international

representatives here, I am sure, who would enjoy hearing it again. It covers it very clearly.

MR. FURLONG: Q. With regard to the question of company union, I would like to pursue the point a little further. Your real difficulty in a union comes when you start to organize. Then for the first time a company which has been opposed to organization commences to organize a company union to frustrate your efforts as a union? A Right.

Q. And that is where your yellow dog contract comes in. That is a different kind of animal altogether, but where you have had employees exercising that free choice by secret ballot, in respect of a union which may be in some way contributed to by a company, do you think any Act of Parliament should declare their operation illegal regardless of the number which belongs to it?

A. I would like you to state that again.

Q. I am talking of the Bell Telephone Company. The Bell Telephone Company have 5,000 men enjoying what I think is a company union. Now, they declare they are quite happy, that they have chosen that organization by secret ballot of their own free choice apart from any domination on the part of the company. It is true that after their constitution was drawn up the company contributed to some extent and it pays while they are on company work or union work. It provides a place for them to meet and it saves them the necessity for paying dues. Do you think those 5,000 men should be told they are now in an illegal organization regardless of their own free choice?

A. I think that question answers itself. You said the Bell Telephone Company employees are satisfied, the 5,000 of them, to remain in a company union. I think the simplest way to test that would be if the law comes in to let the workers take a secret ballot under government supervision and let the workers determine whether or not they want to remain with what they have and that will be a bona fide, independent organization.

Q. That is fine. In other words, you have shown us the way out?

A. Yes. I am not guaranteeing how they will vote.

Q. We are not interested in that.

A. The whole thing is as long as the management is not benefiting in any way from the organization.

MR. FURLONG: Mr. Chairman, the next point is collective bargaining. I do not think we need enlarge on that. I think that is fairly clear. Dealing with the provisions for determining the collective bargaining agency, I think that could be either by vote or by a proof of membership.

Q. Mr. Sullivan, what do you think about that? In order to determine the collective bargaining agency, one method is to take the vote of the employees and the other method was raised by Mr. Jackson the other day when he said he was in favour of proof of paid up membership in the union and if a majority of the employees were proven to be paid up members in the union then that union should be the bargaining agent. What do you think about that

method?

A. This is something which will have to be determined by the persons appointed to administer it. We think it should be under the Department of Labour.

Q. I am talking now about determining the collective bargaining agency.

A. Whoever is administering it will have to be the one who will have to determine. I am speaking for my own organization when I say I would be quite prepared in any organized group of workers we have in our industry to sit down with the Minister of Labour and show the books and show who is paid up, and if there is a majority group show them as the collective bargaining agency.

Q. You would be quite satisfied if that were the method?

A. Yes. Other unions might want to take the vote.

Q. The next matter is the provisions to outlaw company unions. I think Mr. Sullivan has given us a very good example of that. The next is specific provision to outlaw yellow dog contracts. I do not think we need any more enlightenment in respect of that. We know what it is. It is pretty clear.

Next is, No incorporation of trade unions. If a trade union does not want to be incorporated I do not think we should try to incorporate them.

THE CHAIRMAN: Some people seem to think they should be. If there is any racketeering going on at the top of a trade union it is up to the membership to get rid of the racketeers and put in decent people. That is the way it generally works anyway.

MR. FURLONG: Next, No provision for registration of trade union. I would like to ask Mr. Sullivan one question in respect of that.

Q. What you are really worrying about there is the fact that you do not want your funds attached?

A. That is one of them.

Q. If you were protected in that respect would you then have any objection to being registered?

A. Yes.

Q. Why? A. For the simple reason registration means: First of all let me put it this way. Collective bargaining means in essence freedom of association. Now, you cannot have freedom of association if you have to turn around and give to anybody a copy of your financial statement --

Q. Oh, no, no; what I am dealing with is registration. You register with the Department of Labour, so the Department of Labour knows who you are.

A. I think I covered that in our brief, that as far as we are concerned we have no objection to giving the Department of Labour a list of our officers, which they get anyway, because our trade journals always carry that together with a copy of and our constitution/by-laws, but we certainly object to giving any financial statements.

Q. To whom? A. To the Department of Labour or to anybody.

Q. But if it is not made public?

A. It is made public by ourselves. Our organization has a certified accountant. In our

constitution it is provided for the locals to walk into our national office and to get from the secretary and treasurer every six months a certified financial statement which is published and given to our membership and put out in newspaper form.

THE CHAIRMAN: Q. Who certifies that?

A. A certified accountant, a firm of chartered accountants.

MR. HAGEY: Q. This might arise in some organization - and this is not directed to yours: members might join and if they could not get any information it would be the duty of the government to protect those people. Should the members not be given an interim statement at some period of time?

A. I have never seen a bona fide organization yet which does not.

Q. I am not speaking of a bona fide organization.

A. You mean give a financial statement to our membership?

Q. Yes. A. I have certainly no objection to that. We all do it.

MR. FURLONG: That brings us to your next point, namely, the imposition of penalties for violation of any of the rights given by the legislation. I do not think we need very much further enlightenment on that. There must be some method of enforcing the Act. That is the whole trouble with the labour situation now. There is no machinery for the Minister to take care of this situation.

THE CHAIRMAN: I found there was a conflict in

Mr. Sullivan's brief as I went over it rapidly. Some portions of it I was not able to refer ~~back~~ to just at the moment. I thought he was asking for compulsory enforcement of these collective bargaining agreements once they were entered into, but later, in the final items and suggestions, that was ruled out. That cleared up that point.

MR. FURLONG: It is a question of, as he puts it, confidence between the two parties, which is brought about by sitting around a table and negotiating collectively.

THE WITNESS: Correct.

Q. I am nearly through. The last point you made, Mr. Sullivan, is provisions for effective administration of the legislation. I do not think anyone on this committee would object to that. In fact, that is probably one of the most important points with regard to the bill; that is, the machinery and the administration of the Act.

Well, Mr. Sullivan, I have not any further questions to ask you, unless the members of the committee have.

THE CHAIRMAN: Have any members of the committee any questions?

Have you, Mr. Mackay?

MR. MACKAY: Yes.

Q. I wish to know from Mr. Sullivan who is the collective bargaining unit in a particular shop? May I use a hypothetical instance of 1,000 workers of which 800 or 900 are under the control of the C.I.O.? You have a crafts department composed of machinists, electricians or stationary engineers, and suppose the

dispute is between a particular group of the trades and labour. In that case who has the collective bargaining right? I think the C. I. O. said the other day they thought in their opinion the big group or their group should have the say for the whole shop. I understand there is conflict between you and the C.I.O. on that point.

A. We have enlightened you in our brief about units within the industry.

Q. There may be more than one collective bargaining unit in one industry?

A. Yes. That is the reason why we have the set-up that is in here in the brief we have presented. They have existed since 1874 and have got collective and closed shop agreements with employers, and I do not see why they should be disturbed.

THE CHAIRMAN: As I understood it, Mr. Mackay, Mr. Mosher advocated one collective bargaining unit.

MR. MACKAY: Mr. Jackson.

MR. AYLESWORTH: I said care would have to be taken in exploring the views of all those who appear before this committee to see that the right of any trade or guild or crafts union is properly taken care of, as well as the right of some association where that does not exist and where there is a majority. The difficulty will come, although I do not think it is at all insurmountable, in defining or setting up procedure to establish the bargaining unit.

MR. BENGOUGH: You have a number of organizations which have had the right of collective bargaining agreements. It has been in effect over many years.

THE CHAIRMAN: It is working out very well.

MR. BENGOUGH: It is working out eminently to everybody's satisfaction.

THE CHAIRMAN: Summarizing, speaking for myself,-- and I have a great deal of sympathy for it -- your main grievance is that where a recognized union starts to organize the workers in a certain plant some employers step in and try to organize what they call a company union by intimidation, or offers of promotion or increased wages, and all that sort of business, to forestall the free organization of that particular industry. A. Right.

Q. I have a great deal of sympathy personally.

MR. FURLONG: Q. Is that all, Mr. Sullivan?

A. That is all I have, but I was thinking that Mr. J. Gavin would like to introduce our delegates here. We have people from Kenora and the north-west right down east to Cornwall.

D E L E G A T E S .

P. BENGOUGH, Acting President, Trades and Labour Congress of Canada;

JOHN GAVIN, Chairman of the Provincial Executive of the Trades and Labour Congress of Canada;

J. S. CONLEY, Provincial Executive of the Trades and Labour Congress of Canada;

ARCHIE JOHNSON, International Representative of the Hotel and Restaurants Employees for the Dominion of Canada;

SAM LAPEDES, Toronto, representing Amalgamated Clothing Workers and the United Garment Workers;

BRUCE MAGNUSSON, President Trades and Labour Council, Cornwall;

MR. UPPARD, representing Rayon Workers, Cornwall;

C. TESSIER, Cornwall;

J. PRESTON, Vice-President, International Association of Firefighters;

BRUCE MAGNUSSON, representing Trades and Labour Council, and member of the United Carpenters and Joiners of America;

JOHN CURRIE, representing Trades and Labour Council, Fort William, and the members of Local 39, Pulp and Sulphide Workers;

CLARE MAPLEDORAM, representing Local 39, Pulp and Sulphide Workers, Fort William;

HAROLD TURNER, representing International Association of Machinists, Fort William Workers Lodge, 719, also representing by proxy the Trades and Labour Council of Fort Frances and 100% of the Local Unions, in addition to the Trades and Labour Council of Kenora;

F. J. DAVIS, National Secretary, Canadian Navigators Federation, Toronto, and Shipmasters and Certified Deck Officers, and the President of the National Association of Marine Engineers;

H. AMANITE, President Trades and Labour Council, Windsor; and delegation;

GEORGE HOPE, International Brotherhood of Electrical Workers;

CHARLES CAMPBELL, No. 616, Bus and Street Railway, Windsor;

BUSTER WIGH, No. 616, Bus and Street Railway, Windsor;

THOMAS SCOTT, No. 616, Bus and Street Railway, Windsor;

- MAGNES SINCLAIR, representing Busmen and Street Railway men, the Province of Ontario;
- T. O'CONNELL, 6th Vice-President, Street Railway and Bus Operators, also a member of Local 113, Toronto;
- JACK GAD, International Brotherhood of Teamsters;
- D. LAMB, Secretary-Treasurer, Ontario Firefighters;
- A. J. CRAWFORD, Sheet Metal Workers, International Association;
- R. BROWN, Ontario Representative of the International Printing, Pressmen and Assistants Union; also Vice-President Toronto District Labour Council;
- FRANK J. BARRETT, International Representative of the International Brotherhood of Bookbinders;
- DR. DAVID SHUGAR, National Secretary of the Association of Technical Employees;
- W. D. KERN, Secretary-Treasurer, Local 280, Beverage Dispensers Union, and Executive Officer Of Toronto District Labour Council;
- H. HOTRAM, President, Local 35, International Photo Engravers Union;
- ARCHIE JOHNSON, representing twelve Local Unions in the Province of Ontario, comprising 2,200 members, Hotel & Restaurant International Union;
- J. T. GALLOWAY, Vice-President, International Union of Blacksmiths, Drop Forgers and Helpers;
- ALFRED WAD, Business representative, Toronto and District Council of Carpenters and Joiners;
- R. J. BOULTON, Grand Lodge representative, International Association of Machinists;

L.J.KLEIN, United Garment Workers of America,
Local 237, Brantford, Ontario;

MRS. E.S.SMITH, representing the Typographical
Association.

MR. M. SINCLAIR: Mr. Chairman, representing all the bus men and all the street railway men in the province of Ontario, I would like to say we want this bill through. We do not want you to do here in Ontario what they have done in Ottawa with their Orders-in-Council, namely, exclude the municipal employees and the governmental agencies and employees so that they would not get any benefits under the bonus system in respect of cost of living.

We are a great and important factor in the community. We carry the people to and from, to factories and everywhere else. We want to come under the protection of this bill, just as the other workers. We have opposition to organization in our industry in this country more or less.

THE CHAIRMAN: From where does your opposition spring? A. Ours is internationalized opposition, and I am on the international of the Street Railway and Bus Operators of the United States and Canada---

THE CHAIRMAN: You probably misunderstood my question. A. I am an officer of that association.

Q. I repeat you probably misunderstood my question. From where is your opposition springing? You say you have opposition to the Bus Operators. A. I could not just define the gentlemen and the places from which it

comes.

MR. SULLIVAN: Mr. Chairman, I would like to thank you for giving us the opportunity of appearing before you. If you would like to meet the rank and file of labour we will take Massey Hall some night and have it packed to the roof. I think we could even take the Maple Leaf Gardens and pack it to the roof, and if you wish to come with us on the platform the workers will tell you they want collective bargaining.

THE CHAIRMAN: We wish to thank you for your very clear presentation.

MR. FURLONG: That is all I have, Mr. Chairman, I felt I should take or allow the whole afternoon for this organization because it is the eldest, and I think possibly the best known of all the organizations in Canada. I am glad they did not take all afternoon. So, that is all I have until to-morrow morning at 11.00 o'clock.

THE CHAIRMAN: I hope it does not throw the monkey-wrench into the machinery to a very great extent, but I see at 11.00 to-morrow we have the Canadian Manufacturers Association. There is a caucus of government members to-morrow. There are nine members here sitting on this committee. The caucus is scheduled for 10.30.a.m.

MR. MACKAY: Why could we not hear the Canadian Manufacturers Association to-night?

MR. GARDHOUSE: Have they been notified?

MR. FURLONG: Yes. I had two representatives

who wished to be heard in the evening, and I could not get them both on Monday night, but I did get them to agree to come on Tuesday night. I thought it would be better if the committee would try and have it during one evening rather than two evenings.

THE CHAIRMAN: I would suggest if it is agreeable to the other members of the committee that if you would get the representatives due here at 11 to come at 11.30 we could make it a point to be here. If the caucus is not over we will leave it.

MR. FURLONG: They are all here now. Mr. Macdonnell is here. Will you be here at 11.30 instead of 11.00?

MR. MACDONNELL: Yes.

MR. FURLONG: Addressing Mr. Brewin, you will come on after the Canadian Manufacturers Association, so I imagine it will be around 12.15.

THE CHAIRMAN: Is it possible either of those gentlemen might go in now?

MR. FURLONG: Would you like to go on now, Mr. Macdonnell?

MR. MACDONNELL: We are not ready. We are preparing copies of our brief for all the members of the Committee.

MR. BREWIN: I am afraid I am in the same position.

THE CHAIRMAN: Very well. This committee stands adjourned until to-morrow morning at 11.30 a.m.

--Whereupon, on the direction of the Chairman, this committee adjourned at 3.15 p.m. until 11.30 a.m., Tuesday, March 9th, 1943.

THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

Proceedings of Select Committee
regarding Collective Bargaining
between Employers and Employees.

SIXTH DAY
MARCH 9, 1943.

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THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M.P.P. Chairman.	Windsor-Sandwich Riding
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J. A. A. Habel, M.P.P.	Cochrane North Riding
Mr. H. L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F. R. Oliver, M.P.P.	Grey South Riding
Mr. J. P. Mackay, M.P.P.	Hamilton East Riding
Mr. T. P. Murray, M.P.P.	Renfrew South Riding

SIXTH DAY

In Committee Room No. 1

Parliament Buildings

Toronto

Tuesday, March 9, 1943 at 11.30 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Advisor to the Committee.

---Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

- Mr.D.W.Lang, K.C. Counsel for the Canadian Manufacturers' Association (Ont.Division).
- Mr.F.A.Brewin, Counsel for the United Steel Workers of America.
- Mr.H.W.Macdonnell, Legal Secretary of the Canadian Manufacturers' Association.
- Mr.K.M.Yilbourn, Chairman of the Ontario Division of the Canadian Manufacturers' Association.
- Mr.E.C.Facer, Counsel for the U.C.N.W.
- Mr.W.T.Burford (Ottawa) representing the Canadian Federation of Labour.
- Mr.Peter Tully (Hamilton) representing Canadian Federated Council of Employees.

MORNING SESSION

THE CHAIRMAN: The committee will please come to order.

What is the order of business for this morning, Mr. Furlong?

MR. FURLONG: Mr. Chairman, I have a large number of cards from the International Ladies' Garment Workers Union, A.F.of L. and from the Seamen's Union and other unions, all of which are couched in the same language as the card I read the other day.

---EXHIBIT NO. 37: Postcard postmarked March 8, 1943, from the International Ladies' Garment Workers Union, A.F.of L., to the Honorable G.D.Conant, Premier of Ontario:

"I, a citizen of Ontario, urge you to introduce and adopt a genuine collective bargaining bill in the present session of the Legislature as you publicly

pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labor-management cooperation and national unity to win this war.

"It is apparent that small but powerful selfish groups unloosened a reckless campaign to prevent the enactment of legislation you promised to enact. Your Government must not capitulate to that pressure.

"I urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who desire unity, an all-out war effort and a democratic labor policy in accord with the modest wishes of organized labor.

"Name: G. Valentine,

Address: 47 Winnifred

"Sponsored by International Ladies' Garment Workers Union, A.F. of L."

MR. FURLONG: Then I have here a letter from the Corporation of the Town of Leaside per R.V. Burgess, Clerk-Treasurer, to the Hon. G.D. Conant, enclosing a resolution adopted by the Council of the said Corporation:

"March 8, 1943.

"Hon. G.D. Conant,
Premier Province of Ontario,
Parliament Buildings,
Toronto, Ontario.

"Hon.Sir:

"I beg to advise that the Council of the Corporation of the Town of Leaside endorsed the enclosed resolution which was submitted by the Council of the City of Toronto having reference to the enactment, by the Provincial Government, of a Collective Bargaining Bill.

"Yours very truly,

(sgd) "R.V.Burgess,
"Clerk."

The resolution reads:-

"TOWN OF LEASIDE

"Copy of Resolution adopted
by the Council of the
Corporation of the Town of
Leaside

"Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

"Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

"Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

"Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government.

"Carried.

(SEAL OF CORPORATION
OF TOWN OF LEASIDE)

"Certified a true copy,
(sgd) "R.V.Burgess,
"Clerk."

---EXHIBIT NO. 38: Letter dated March 8, 1943, from R.V.Burgess, Clerk-Treasurer of the Town of Leaside to the Hon. G.D.Conant, enclosing certified true copy of resolution adopted by Council of said Corporation.

MR. FURLONG: Then I have before me a letter from Mr.A.R.Mosher, President of The Canadian Congress of Labour, forwarding a list of all the unions of the Canadian Congress of Labour, which he undertook to file when he was before the committee:-

"The Canadian Congress of Labour
March 5, 1943.

"Mr.W.H.Furlong,
Collective Bargaining Committee Council,
Ontario Legislature,
Parliament Buildings,
Toronto, Ontario.

"Dear Mr.Furlong:-

"I am enclosing herewith for your information a directory of the unions of the Canadian Congress

of Labour, as requested when I appeared before the Committee on Wednesday last, March 3rd.

"You will note that there are 15 unions affiliated with the Canadian Congress of Labour, each of which have local branches in the province of Ontario. You will also note that these 15 affiliated organizations have 159 local branches in the province of Ontario.

"In addition to the affiliated unions, the Congress has in Ontario 56 local unions chartered directly by the Congress.

"Trusting the information contained in the enclosed directory will serve your purpose, I remain,

"Yours very truly,

(sgd) "A.R.Mosher,
"President."

---EXHIBIT NO. 39: Letter dated March 5, 1943, from Mr.A.R.Mosher, President of The Canadian Congress of Labour, to Mr.W.H.Furlong, enclosing directory of Unions of The Canadian Congress of Labour, dated February, 1943.

MR. FURLONG: Then the next is a letter from two ladies named Ruth Lanin and Miriam Guravich to Mr. Conant under date March 3, 1943:

"279 Brunswick Ave.,
"Toronto, Ont.,
"March 3rd, 1943.

"The Rt. Honorable Conant,
Parliament Bldgs.,
Toronto, Ont.

"Dear Sir:

"We strongly urge you to pass immediate legislation for collective bargaining as we feel it would speed

up our war effort.

"Yours truly,
 (sgd) "Ruth Lanin
 " Miriam Guravich."

---EXHIBIT NO. 40: Letter dated March 3, 1943, from Mesdames Ruth Lanin and Miriam Guravich to the Hon.G.D.Conant, re collective bargaining legislation.

MR. FURLONG: Then I have before me a letter of March 5, 1943, from the Central Aircraft Workers' Association, Unit No.2, London, Ontario, reading as follows:-

"March 5, 1943.

"The Honorable Gordon Conant,
 Premier of Ontario,
 Parliament Buildings,
 Toronto, Ontario.

"Honorable Sir:

"Our members have been greatly disturbed by reports through the press and other sources that the proposed collective bargaining labor bill possibly will not be enacted during the present sitting of the Legislature.

"In the opinion of our entire membership such a delay would not improve industrial relations in Ontario but tend to make them worse, thus causing a serious delay to an all-out war effort in the province.

"Therefore, we ask your wholehearted influence and cooperation in putting through a bill outlawing Company Unions and giving labor the undisputed right to bargain collectively.

"Very truly yours,
 "Central Aircraft Workers' Association
 "per (sgd) Frank Dentinger, By D.D.
 "Secretary"

---EXHIBIT NO. 41: Letter dated March 5, 1943, from Central Aircraft Workers' Association, Unit No.2, London, Ontario, to the Hon.G.D.Conant re collective bargaining legislation.

MR. FURLONG: The next is a resolution from the Milk Drivers' and Dairy Employees Union, Local 647, reading:-

"MILK DRIVERS AND DAIRY EMPLOYEES UNION
LOCAL 647
International Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers affiliated with the
Toronto District Trades and Labor Council.

"February 28, 1943.

"The Hon.G.Conant,
Prime Minister of Ontario,
Queen's Park,
Toronto.

"I have been instructed by the membership of the above organization to forward to you the following resolution, which expresses the collective views of our membership relative to labor legislation in this province.

"Whereas, The membership of the Milk Drivers and Dairy Employees, Local 647, A.F.of L. in regular assembly at Toronto on February 16th, 1943, have considered the contemplated legislation of the Government of this Province, namely to grant to Organized Labor the right to organize and to bargain collectively, and

"Whereas, We believe that legislation granting such right would

1. Remove much dissatisfaction and discontent at present existent in industry.
2. Would satisfy Labor that much discrimination and

unfair practices at present existent would be removed.

3. Would tend to bring labor and management to a closer understanding on each other's problem, and result in mutual benefit.

4. That such legislation would result in an even greater War Effort by the workers of this province, satisfied as they would be in their untrammelled right of organization and collective bargaining.

"Therefore, Be it resolved, that we request the Government of this province to immediately pass legislation granting the worker the right to organize in a union of their own choice, and the right of such unions to bargain collectively with the employers of their members.

"Trusting that this resolution will be given your serious consideration.

Permit me to remain,
 "Yours truly,
 (sgd) "A.F. MacArthur,
 "Business Representative,
 "Local 647."

---EXHIBIT NO. 42: Resolution of Milk Drivers and Dairy Employees Union, Local 647, 163½ Church Street, Toronto, dated February 28, 1943, re collective bargaining legislation.

MR. FURLONG: Here is another letter from the Cigarmakers International Union of America, Local No. 27, addressed to the Premier:

"Toronto, March 5, 1943.

"Hon. Mr. Conant,
 Premier of Ontario,
 Queen's Park,
 Toronto, Ont.

"Dear Sir:

"The membership of this organization appeals to your Government to put in force a Collective Bargaining Bill, which they have so definitely promised the workers they would do.

"We believe such a Bill will solve the industrial disputes which happen so often. The workers of this country are laying down their lives in defence of Democracy, and believe what they have been promised: a better social security, after this terrible war ends. Are we going to disappoint them? Are we going to allow capital to run wild? Or are we going to allow the workers and producers have a fair and just share in the prosperity of the country. Honorable sir, we have great hopes in our government both federal and provincial, and we believe sincerely they will fulfill their promise in regards to this Bill.

"Wishing you every success.

"Respectfully yours,
 "Local 27,
 (sgd) "A. McDonald, Secy.
 "26 Marjory Ave.
 "B. Rowe, Pres."

---EXHIBIT NO. 43: Letter dated March 5, 1943, from The Cigermakers International Union of America, Local No.27, to the Hon.G.D.Conant.

MR. OLIVER: Of the A.F.of L.?

MR. FURLONG: I think so.

Then, Mr. Chairman, the other day a gentleman by the name of Cummings wrote a letter from the De Haviland

Aircraft Company addressed to yourself as chairman of this committee.

THE CHAIRMAN: I might point out that when I answered Mr. Cummings' letter I asked him to appear before the committee, and he said he could not do so.

MR. FURLONG: The letter reads:-

"UNITED AUTOMOBILE-AIRCRAFT-AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA (UAW-CIO)

"INTERNATIONAL UNION

"March 6th, 1943.

"Major James Clark,
Chairman Select Labour Committee,
Parliament Buildings,
Queen's Park,
Toronto, Ont.

"Dear Sir:

"On behalf of Local 112, De Haviland Aircraft Company which at the present represents some 2500 employees, I wish to give you a more complete and concise picture of the conditions as they exist in the plant at the present time, and the part taken by this CIO Local in the matter of production.

"The remarks contained in a letter received by you, from L. Cummings, Transit Officer of the De Haviland Company were his personal remarks and have no truthful bearing on the facts. Mr. Cummings has a deep-seated resentment of the CIO and all forms of honest trade unionism, and is the type of person who doesn't mind distorting facts if he feels his personal crusade to destroy Labour Unions will be furthered.

"I feel our stand on the need of Labour Legislation which will protect the working man in his right to belong to a Labour Union of his own choosing and bargaining collectively with his employer on his condition of work, rate of pay, etc., has been well expressed by our International Officers and committee of workers who have appeared before you.

"I therefore request you allow a committee of UAW-CIO De Haviland workers to appear before you and the Select Committee and express our views in regard to the need of some good concrete Labour Legislation. Also to explain more fully the true picture as it exists in the De Haviland plant.

"Several of our union members and stewards have received individual awards, amounting to as much as \$700.00, from the company, for their ideas on increasing production. My local union feels the Labour Committee should give serious consideration to this request and also give the public through the Daily Press, a true picture of the situation.

"Thanking you,

"I remain,

"Respectfully yours,

(signed) "C.V.Coulson,

"President, Local 112, UAW-CIO."

---EXHIBIT NO. 44: Letter dated March 6, 1943, from United Automobile-Aircraft-Agricultural Implement Workers of America (UAW-CIO), Local 112, dated March 6, 1943, to Major James Clark, Chairman, Select Committee on Collective Bargaining.

THE CHAIRMAN: Have you invited a committee of the UAW-CIO De Haviland Workers to appear?

MR. FURLONG: I have not yet done so, but I shall do so, Mr. Chairman.

Then I have here a telegram dated Fort William, March 7, 1943, from George Murie, Chairman Lodge No.6, Grain Elevator Union, addressed to Mr.J.F.Clark, reading:

"FORT WILLIAM ONT
(MARCH 7 1943)

"J F CLARK

"CHAIRMAN SPECIAL LEGISLATIVE COMMITTEE ON COLLECTIVE
BARGAINING PARLIAMENT BLDGS TORONTO ONT

"LODGE NO 6 GRAIN ELEVATOR UNION STRONGLY SUPPORTS
STAND TRADES AND LABOR COUNCIL URGING PASSING OF
LEGISLATION ENFORCING COLLECTIVE BARGAINING AND DE-
NOUNCING COMPANY UNIONS ACTION OF LEGISLATURE IN
THIS REGARD WATCHED WITH KEEN INTEREST AND ATTENTION
BY LARGE NUMBERS IN THIS DISTRICT DILATORY OR CARE-
LESS ATTITUDE ON PART OF GOVERNMENT MAY HAVE SERIOUS
EFFECT HERE AT FUTURE ELECTIONS

"GEO MURIE CHAIRMAN."

---EXHIBIT NO. 45: C.P. telegram dated Fort William,
March 7, 1943, from G.Murie,
Chairman, Lodge No. 6, Grain
Elevator Union to Mr.J.F.Clark.

MR. FURLONG: Then I have a letter from the
Master Electricians' Association, 203 Church Street,
Toronto, reading:-

"MASTER ELECTRICIANS' ASSOCIATION,
"Toronto, Ontario,
"March 5, 1943.

"Mr. James Clark, M.P.P.,
Chairman, the National Selective Service Board,
Toronto.

"Sir:

"As employers of labour, we are in favour of a selective service agreement, providing --

"1. That organized labour be incorporated within the province in which they are operating; that is each union should have a separate charter so that they would have some legal responsibility.

"2. That one standard rate of wages be set. As it is now the electrical trade will pay 1.10 an hour for their electricians, but others who are not actively engaged in the electrical business can secure labour from the union at rates from 70¢ up. The union is actually in competition with the electrical contractor.

"It seems only fair that labour should have an organization to make agreements on behalf of their members, but where there is no legal responsibility, and where the headquarters of the unions are in the United States they can take undue advantage of the employer. In many cases the headquarters are in the United States.

"Yours very truly,

"MASTER ELECTRICIANS' ASSOCIATION,

(sgd) "P.A.Cheevers,
"President."

---EXHIBIT NO. 46: Letter dated March 5, 1943, from P.A.Cheevers, President, Master Electricians' Association to Mr.

James Clark, M.P.P. re provincial incorporation of organized labour, standard rate of wages, etc.

MR. FURLONG: Then I have a letter from the International Brotherhood of Electrical Workers, Local Union 120, London, Ontario, enclosing a resolution to the chairman of this committee:

"INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL UNION 120 - LONDON, ONT.

"786 Little Hill Street,
"March 4, 1943.

"Chairman of the Collective Bargaining Committee,
Queen's Park,
Toronto, Ontario.

"Sir:

"The above organization went on record at the last regular meeting as, unanimously supporting the London Trades and Labor Council's resolution that has been forwarded to Premier Conant, and a copy to the Minister of Labor, Hon. Peter Heenan. Find enclosed a copy of said resolution.

"We believe the proposed side-stepping of this Bill is nothing more than an anti-union campaign, it is a threat to the unity and industrial peace which is so essential to our war effort.

"We therefore urge you, Mr. Chairman, to have the proposed Collective Bargaining Bill brought before the present session of Parliament.

"Sincerely yours,
(sgd) "C.M.Kew,
"Secretary."

The resolution reads:

"RESOLUTION

"WHEREAS the workers of Ontario have been promised effective collective bargaining legislation for some time, and

"WHEREAS we believe that such legislation would not only be democratic, but would also be in the best interests of a large majority of citizens, would be a benefit to the whole dominion, and would be a great step toward postwar reconstruction planning. We believe democracy is a wonderful thing and that it should be tried out sometime. The best time is now, the best place is Ontario, and

"WHEREAS this London and District Trades and Labor Council wish to go on record as deploring the action of the Premier in deferring this labor legislation.

"THEREFORE BE IT RESOLVED THAT -

"This Council urge Premier, G.D.Conant to bring the Collective Bargaining Bill before the present session of the Ontario Legislature at the earliest possible moment.

"Secretary."

---EXHIBIT NO. 47: Letter dated March 4, 1943, from C.M.Kew, Secretary, International Brotherhood of Electrical Workers, Local Union 120, London, Ontario, enclosing resolution re collective bargaining.

MR. FURLONG: Then I have a telegram from H.W. Thornton, secretary of Aircraft Lodge 719, Fort William, dated March 7, 1943, addressed to Mr.J.F.Clark:-

"FORT WILLIAM, ONT. MAR 7 1943.

"J.F.CLARKE

"SPEAKER, SPECIAL LEGISLATIVE COMMITTEE COLLECTIVE BARGAINING. AIRCRAFT LODGE 719 STRONGLY OBJECTS TO OBSTRUCTIONS TO PASSAGE TO COLLECTIVE BARGAINING BILL BACKING ELECTED DELEGATES TO LIMIT WATCHING PROCEEDINGS INTENTLY URGE IMMEDIATE CONSTRUCTIVE ACTION.

"H.W.THORNTON

"SEC. LODGE 719."

---EXHIBIT NO. 48: C.N.telegram dated Fort William, March 7, 1943, from H.W.Thornton, secretary, Aircraft Lodge 719, to Mr.J.F.Clark, re collective bargaining.

MR. FURLONG: Then a telegram dated Thorold, Ont. March 5, 1943, from George E. Gare, Acting Secretary, Citizens' Conference, to Premier Conant:

"THOROLD ONT MARCH 5TH 1943

"PREMIER CONANT
TORONTO ONT

"REPRESENTATIVE CONFERENCE OF ST.CATHARINES CITIZENS
URGES FULFILMENT OF LABOR BILL PROMISED THIS SESSION.

GEORGE E. GARE, ACTING SECY.
CONFERENCE."

---EXHIBIT NO. 49: C.P.telegram dated Thorold, March 5, 1943, from George E. Gare, Acting Secretary, Citizens' Conference, St.Catharines, to Premier Conant.

MR. FURLONG: Then a letter dated March 4, 1943, from Edith Hestrin and Allan Hestrin to Premier Conant:

"187 Montrose Avenue,
"Toronto, March 4, 1943.

"The Rt.Hon.Gordon Conant,
"Parliament Bldgs.,
"Toronto.

"Dear Sir:

"We strongly urge you to pass legislation for collective bargaining. This we believe would be a step forward to speeding up the war effort.

"Yours truly,

(sgd) "Edith Hestrin
"Allan Hestrin."

---EXHIBIT NO. 50: Letter dated March 4, 1943, from Edith and Allan Hestrin to Premier Conant re collective bargaining.

MR. FURLONG: Then another letter dated March 3, 1943, from S.Guravich and J. Guravich to Premier Conant:

"1672 Kingston Road,
"Toronto, March 3, 1943

"The Rt.Hon.Gordon Conant,
Parliament Bldgs.,
Toronto.

"Dear Sir:-

"We strongly urge you to pass legislation for collective bargaining, as it would speed up our war effort.

"Yours truly,
(sgd) "S. Guravich
"J. Guravich."

---EXHIBIT NO.51: Letter dated March 3, 1943, from S.Guravich and J.Guravich to Premier Conant, re collective bargaining.

MR. FURLONG: Then I have a letter from F.MacLeod, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Lodge 650, reading as follows:

"BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
LODGE 650

56 N. High St.,
Port Arthur, Ont.,
March 6, 1943.

"Hon.G.D.Conant, Prime Minister.
Hon.P.Heenan, Minister of Labour.
Hon.C.W.Cox, M.L.A., Port Arthur,
Hon.J.Clark, Chairman Select Committee.

"Dear Sirs:

"I was instructed by the above named organization comprising the employees of twelve grain companies at the Head of the Lakes, to submit to you the following resolution passed by them at their regular meeting Friday March 5th.

"Whereas, that it is now apparent that the proposed collective bargaining legislation to be introduced at the opening session of the Provincial Legislature was being opposed by the anti-labour forces throughout the Province and Dominion.

"Therefore be it resolved that the grain elevator workers at Port Arthur and Fort William request mandatory collective bargaining legislation now.

"Our experience with employers refusal to deal with the majority of workers at certain elevators has convinced us of the immediate need for legislative measure to assist Labour in obtaining due recognition.

"Our Local Union adds its support to submissions now being made by North Western Ontario delegation representing local organized labour movement before the Ontario special legislative committee set up to

conduct hearings on collective bargaining legislation for Ontario.

"It is imperative that steps be taken to outlaw company unions and employers interference with the basic principles of labour's right to organize. Action is long overdue. We look to this session of the legislature to do something about it.

"Yours very truly,

(sgd) "F. MacLeod."

---EXHIBIT NO. 52: Letter dated March 6, 1943, from F. MacLeod, Brotherhood of Railway and Steamship Clerks, etc. Lodge 650, to Hon.G.D.Conant, et al., re collective bargaining.

MR. FURLONG: Then I have a long letter from Mr. George S.Thomson, President, United Automobile Workers, Local 222, Chairman of a Delegation of several locals, dated March 2, 1943, and addressed to the Hon.G.D. Conant. I do not think I shall take time to read it, but most of the requests therein contained are included in the parent organizations' requests that have been heard or will be heard with reference to the passage of a collective bargaining bill.

---EXHIBIT NO. 53: Letter dated March 2, 1943, from George S. Thomson, President, Local 222, United Automobile Workers and Chairman of delegation of several organizations addressed to the Hon.G.D.Conant:

"March 2, 1943.

"Hon.G.D.Conant, Premier,
Province of Ontario,
Toronto, Ontario.

"Dear Sir:

"Our delegation, representative of the major unions in Oshawa, desires to place before you an urgent request that your government submit to the present session of the Ontario Legislature a bill which would:

"1. Guarantee the right of workers to organize freely in unions of their own choice.

"2. Make it mandatory that managements recognize and bargain with unions chosen by the majority of employees.

"3. Outlaw 'Company unions.'

"We came here not only to see you in your capacity as Premier of this great province but also as a member in the Ontario Legislature from Ontario Riding where our members reside and are employed in industry there.

"May we express our appreciation to you for giving us this opportunity of placing our views before you. We hope that you will give them your sincere consideration.

"Our members have been greatly disturbed by press reports that it is possible that the proposed labor bill will not be enacted during the present sitting of the Legislature.

"In our opinion, such an event, would not improve industrial relations in Ontario but make them worse.

"Among us today are some who attended the banquet given in your honour in Oshawa when you became the

prime minister of this province. At that meeting you declared that labor was a 'legal orphan' and that your government intended to end this status and give labor the recognition its position in society deserves.

"We hope that those are still your views and that you will undertake to disillusion all those opponents of labor who wish to continue keeping the working people 'legal orphans' in this province.

"Unions are a natural outgrowth of our industrial society. They are voluntary combinations of employees designed to improve conditions of employment.

"Similarly employers have banded themselves in their own societies to improve the position of their particular business or undertaking.

"We believe that the opposition to the proposed labor bill comes from a section of employers who are organized themselves but who would deny this right to their employees.

"They would be the first to protest, and rightly so, if their employees undertook a drive to prevent them from joining and holding membership in the Canadian Manufacturers' Association or some other group. Yet they would deny a similar right to their workers.

"The labor bill is sought by workers in order to obtain a definite recognition from employers that the right of unions to exist and continue to function is conceded and admitted.

"Unions ask for recognition in order to be free to dedicate their entire energy and administrative machinery to the problem for which essentially they are created, namely, to establish industrial relations on a basis that will assure the maximum of production, continuity of work and compliance with the provisions of the collective bargaining agreement.

"Today the national security and preservation of our country and democracy are at stake in a severe struggle for existence. Upon industry rests a tremendous burden - to achieve maximum production of munitions of war.

"The labor unions have been in the forefront of this battle for production. The labor unions and their thousands of members are bending every effort and directing all their energy toward this end.

"The workers have the brains, will-power and energy to meet the challenge that confronts industry. The unions merely ask that the full resources of the workers be unleashed.

"This can be done through a complete cooperative relationship between unions and management. Such cooperation must be predicated upon a recognition by management that unions as an instrument will serve the national effort.

"Where management questions the social desirability or usefulness of the unions, it is frustrating the efforts of the workers in the battle for full product-

ion. In denying the request for recognition management denies to the unions and their members the assurance that they will be permitted to live.

"Management has an obligation to the country and its people, particularly at this stage of our history when we are engaged in a gigantic struggle to defeat fascism.

"Can the employees be convinced that they must support the effort of the country and government to prosecute total war in the cause of democracy when management denies them industrial democracy?

"Ontario is a backward province concerning labor legislation. There is probably no graver source of dissatisfaction among the workers than the state of our laws or lack of them dealing with labor legislation.

"In this instance the government has a definite responsibility.

"Freedom of association and the establishment of collective bargaining are not the expression only of civil rights of workers but of social and industrial functions which are basic and essential in a well-ordered society.

"Until this is clearly recognized, the government will continue to fill a role of an umpire between competing social forces without prescribing the rules. Umpiring without rules is a makeshift process and certainly no game lacking rules can be played long

without creating chaos and confusion.

"Representing well over 10,000 employees who work in industry in our riding under union agreements and conditions, we take pride in pointing out to you, sir, that Oshawa and the surrounding communities have been, on the whole, free from industrial disputes during the length of this war because management-union relations are accepted as an established practice between industry and organized labor.

"We contend that similar results can be obtained elsewhere if employees are given the legal protection to organize freely into their unions and if employers bargain collectively with their employees.

"We, therefore, urgently request your government to submit to the Legislature a bill which would guarantee the three points we enumerate in the beginning of our brief.

"We thank you for your interest in the matter.

"Local 222,
United Automobile Workers.

Local 205, International
Fur and Leather Workers.

Local 1817,
United Steelworkers of
America

Local 521, United Elec-
trical, Radio and
Machine Workers.

Oshawa Civic Employees
Union

Local 1255
Street Railway Employees
Union

Local 332
Oshawa Printing Pressman
Union

"Chairman of Delegation
(sgd) "George S. Thomson,
President Local 222."

MR. FURLONG: Then I have a telegram from Cole

McCubbin, Secretary, Great Lakes Pulp and Sulphite
Workers, Local No.39, addressed to the Honourable G.D.
Conant:

"FORT WILLIAM MAR 7 1943.

"HON G.D.CONANT
PREMIER PARLIAMENT BLDGS
TORONTO ONT

WAGES HOURS AND WORKING CONDITIONS AND JOB SECURITY
ARE SUBJECT MATTER OF COLLECTIVE BARGAINING GREAT
LAKES LOCAL NO 39 PULP AND SULPHITE WORKERS RESPECT-
FULLY URGE COLLECTIVE BARGAINING WITH TRADES UNIONS
BE MADE MANDATORY UPON ALL EMPLOYERS OF LABOR BE-
CAUSE TRADES UNIONS ARE PART OF THE ORGANIZED MACHIN-
ERY OF WAR AND PEACE

"COLE McCUBBIN
"SECRETARY."

---EXHIBIT NO. 54: C.P.telegram dated Fort William,
March 7, 1943, from Cole McCubbin,
Secretary, Great Lakes Pulp and
Sulphite Workers, Local No.39, to
Premier Conant, re collective
bargaining.

THE CHAIRMAN: Mr. Furlong, have you any communica-
tions indicating opposition to the proposed collective
bargaining bill?

MR. FURLONG: Mr.H.W.Thornton, Secretary Aircraft
Lodge 719, Fort William, is in favour of the bill:

"FORT WILLIAM, ONT.
"MARCH 7, 1943.

"PERCY R. BENGOUGH
"ACTING PRESIDENT TRADES AND LABOR CONGRESS.

"AIRCRAFT LODGE 719 FORT WILLIAM STRONGLY OBJECTS TO
OBSTRUCTIONS TO PASSAGE OF COLLECTIVE BARGAINING BILL

BACKING ELECTED DELEGATES TO LIMIT URGE IMMEDIATE
CONSTRUCTIVE ACTION WATCHING PROCEEDINGS INTENTLY.

"H.W.THORNTON
"SEC.LODGE 719"

---EXHIBIT NO. 55: C.N.telegram dated Fort William,
March 7, 1943, from H.W.Thornton,
secretary Lodge 719 to Percy R.
Bengough, acting president, Trades
and Labour Congress, re collective
bargaining.

Another communication in favour of the bill is in
the form of a telegram dated Fort William, March 7, 1943,
from the Bakery and Confectionery Workers International
Union of America Local 284, addressed to Premier Conant:

"FORT WILLIAM MAR 7 1943

"PREMIER G.D.CONANT
PARLIAMENT BLDGS TORONTO ONT

"DEAR SIR: FULLY SUPPORT ACTION FOR MANDATORY COLLECT-
IVE BARGAINING WORKING PEOPLE OF FORT WILLIAM AND PORT
ARTHUR STANDING BY WATCHING GOVERNMENT ACTION ON THE
MATTER BAKERY AND CONFECTIONERY WORKERS INTERNATIONAL
UNION OF AMERICA LOCAL 284 FORT WILLIAM AND PORT ARTHUR"

---EXHIBIT NO. 56: C.P.telegram dated March 7, 1943,
from the Bakery and Confectionery
Workers International Union of
America, Local 284, to Premier
Conant, re collective bargaining.

Another telegram in favour of the proposed legisla-
tion is as follows:-

"FORT WILLIAM ONT MAR 7 1943

"G.D.CONANT
PRIME MINISTER PARLIAMENT BLDGS TORONTO

"DEAR SIR: LOCAL UNION 339 OF THE INTERNATIONAL BROTHER-
HOOD OF ELECTRICAL WORKERS AT THE LAKEHEAD CALL UPON AND

URGE YOU TO DO YOUR UTMOST IN HAVING LEGISLATION PASSED
ON COLLECTIVE BARGAINING.

"YOURS VERY TRULY
"CHARLES McEWEN
"REPORTING SECY."

---EXHIBIT NO. 57: C.N. telegram dated Fort William
March 7, 1943, from the International Brotherhood of Electrical
Workers, Local 339, to Premier
Conant, re collective bargaining.

MR. FURLONG: Then a letter expressing objection to
any measure of compulsory collective bargaining legisla-
tion, dated March 6, 1943, from H.J. Shore, President,
Ontario Provincial Dailies Association and addressed to
Mr. E.J. Anderson, M.L.A., reads:-

"ONTARIO PROVINCIAL DAILIES ASSOCIATION
Office of the President

"Welland, Ontario,
March 6, 1943.

"Mr. E.J. Anderson, M.L.A.,
Member Select Committee,
considering,
Labour Collective Bargaining Relations,
Parliament Buildings,
Toronto, Ontario.

"Dear Mr. Anderson:

"At a meeting of the Ontario Provincial Dailies
Association held in Toronto on Monday, March 1st, the
following resolution was unanimously passed:

"'that the President of the Ontario Provincial
Dailies Association be instructed to send a
letter to the Ontario Labour Collective Bar-
gaining Relations Committee expressing our
objection to any measure of compulsory
collective bargaining legislation which does
not carry equal responsibilities on both
parties to the agreement.'

"Will you as a member of this Select Committee
kindly see that this letter and the resolution herein

are brought to the attention of the Chairman and your colleagues.

"The publishers of the following papers are members of the Ontario Provincial Dailies Association, nineteen of whom were represented at this meeting:

"Belleville Intelligencer,
 Brantford Expositor,
 Brockville Recorder & Times,
 Cornwall Freeholder,
 Fort William Times-Journal
 Galt Reporter,
 Guelph Mercury,
 Kingston Whig-Standard,
 Kitchener Daily Record,
 Niagara Falls Review,
 Oshawa Times-Gazette,
 Owen Sound Sun-Times,
 Peterborough Examiner,
 Sarnia Observer,
 Sault Ste.Marie Star,
 St.Catharines Standard,
 St.Thomas Times-Journal,
 Stratford Beacon Herald,
 Sudbury Star,
 Timmins Daily Press,
 Welland-Port Colborne Tribune,
 Woodstock Sentinel Review.

"Yours truly,
 (sgd) "Harry J. Shore,
 "President
 "ONTARIO PROVINCIAL DAILIES ASSOC."

---EXHIBIT NO.58: Letter dated March 6, 1943, from H.J.Shore, President, Ontario Provincial Dailies Association to Mr.E.J.Anderson,M.L.A., re collective bargaining.

THE CHAIRMAN: Here is a petition that has just arrived by air-mail:

PETITION

"We, the undersigned, petition the Ontario Legislature, to work with all the energy at its command, for the speedy enactment of a bill guaranteeing the right of Labour in Ontario to collective bargaining,

through the unions of its choice and outlawing company unions and banning discrimination by employers against employees for union activity."

Then follow a large number of signatures. There is no address on the document, but the return address on the envelope appears to be: "1457 Drouillard Road, Windsor, Ontario."

---EXHIBIT NO. 59: Petition re collective bargaining from 1457 Drouillard Road, Windsor, Ontario.

THE CHAIRMAN: What is the next order of business, Mr. Furlong?

MR. FURLONG: The next order of business is the presentation by the Canadian Manufacturers' Association, represented by Mr. D.W.Lang.

MR. LANG: Mr. Chairman, I represent the Ontario Division of the Ontario Manufacturers' Association, and I have with me Mr. H. W. Macdonnell, who is the legal secretary of the C.M.A., and Mr. K. M. Kilbourn, who will read a brief to you on behalf of the Ontario Division of the C.M.A. Mr. Kilbourn is the chairman of the Ontario Division of the C.M.A., elected at the last annual meeting. He is a resident of Toronto and is president of Wickett & Craig Limited of Toronto.

This brief, which I will now have distributed to the committee, and which will be read by Mr. Kilbourn, covers, I think, sir, matters that will be of interest to your committee, and I would respectfully suggest

that if it meets with your approval Mr. Kilbourn should be permitted to read the brief through without interruption, because I think it will anticipate matters that may arise. After he has finished reading the brief it may be gone into in any way you wish. May I also say, following what was said by an organization last week, that conceivably, subject to your approval, we might wish to file a further submission before you rise. It may be that questions that may come up in this discussion could be answered later in such submission. If that meets with your approval I shall be glad to ask Mr. Kilbourn to read the brief, which will be filed.

THE CHAIRMAN: Very well.

KENNETH M. KILBOURN, Sworn.

THE CHAIRMAN: Q. Is the Canadian Manufacturers' Association dominion-wide and split up into provincial divisions? A. Yes, sir.

MR. LANG: Mr. Chairman, may I file a copy of the constitution and by-laws of the Canadian Manufacturers' Association?

THE CHAIRMAN: Yes.

MR. FURLONG: It will not be necessary to extend the constitution and by-laws of the C.M.A.

---EXHIBIT NO. 60: Constitution and by-laws (1931) of Canadian Manufacturers' Association.

THE CHAIRMAN: Proceed, Mr. Kilbourn.

WITNESS: Yes, sir:

Submission of the Ontario Division of the Canadian Manufacturers' Association, Inc., to the Select Committee appointed by the Legislature of the Province of Ontario to enquire into and report on Collective Bargaining between employers and employees, presented by Mr. K.M. Kilbourn, Chairman of the Ontario Division of the Canadian Manufacturers' Association, Inc., on Tuesday, March 9, 1943.

RE COLLECTIVE BARGAINING

"The claim of the Ontario Division of the Canadian Manufacturers' Association to be heard by your Committee is based on the fact that its members include manufacturing establishments which employ the majority of the factory employees of the Province. The Association is a voluntary one, having as its members manufacturers in all lines of Canadian industry. While it originated about 1870, it was incorporated in 1902 by an Act of Parliament. Its purpose and function is to develop Canadian industry and export trade generally. To this end, the Association studies and disseminates information on all questions affecting manufacturing, and provides means for manufacturers to discuss their common problems, but it has no control of any kind over the way in which its individual members carry on their own business or negotiate wages and conditions of labour with their employees. The Association holds an Annual General Meeting, and publishes an annual audited financial statement.

"The Ontario Division of the Association represents members in Ontario, operating plants scattered widely

throughout the Province. It is estimated that these members produce about 75 per cent of the manufactured goods made in Ontario.

"The building-up of industry in Ontario from its very small beginnings one hundred years ago to a gross annual production of the value of \$2,502,000,000, has been a slow gradual process. One of its outstanding characteristics has been that it has been done not by a few people with great resources behind them, but by a constantly-growing number of 'small men', individualists, who started in a very small way to supply local needs. Many such concerns have continued as small businesses, whose only growth has been one commensurate with that of the local community. Other concerns have expanded and secured wider markets, throughout the Province, or throughout the country, or even abroad. But it is still a striking characteristic of the industrial economy of Ontario, that the overwhelming majority of manufacturing establishments are small. The latest Dominion Bureau of Statistics figures are as follows:-

1940 (published in the autumn of 1942)

	Estab- lishments	Total Employees	Total Salaries and Wages
Under 5 employees	4,569	13,037	14,656,798
5-14 "	2,425	20,163	22,068,958
15-50 "	1,707	46,566	53,638,358
51-100 "	570	40,584	59,185,505
101-200 "	393	55,558	69,417,762
201-500 "	274	83,751	106,848,883
501 or over	102	112,984	153,582,924
Totals, Ontario	10,040	372,643	479,399,188

Compiled by the General Manufactures Branch.

"While the actual figures will undoubtedly have altered considerably in the last two years, we believe that the general pattern has remained much the same. It will be noted that 8,701 establishments out of 10,040 employ less than 50 employees, while only 102 establishments out of 10,040 employ over 500. An analysis of the Ontario membership of the Canadian Manufacturers' Association shows that 75% employ less than 100 people, and only 4% employ over 500 people.

"It may be of interest to point out that the 10,040 manufacturing establishments in Ontario are located in 298 different places, many of them quite small. In the case of many of these places, the manufacturing establishments are responsible for the major part of the employment of people in the community. This was made clear during the period when Government relief was being distributed, since many of the small industrial communities were able to take care of their unemployed, with comparatively little assistance from the Government. It is not too much to say that one of the chief strengths of the economy of Ontario is that the opportunities for employment in industry are spread so widely throughout the Province, providing along with farming, forestry and mining, the diversification that makes for stability.

"The history of employer-employee relations in Ontario has been exactly what might be expected, in view

of the beginnings and the development of industry in the Province. So far as the 8701 smaller establishments employing less than 50 are concerned, the existing methods of conducting employer-employee relations have been found satisfactory. In the case of the quite small establishments, the employees know pretty well how the business stands financially, how much the proprietor is making out of it, and how much he is able to pay in wages. The proprietor is really very much in the position of senior partner of the actual employees. In the case of the many somewhat larger establishments, employing up to, say, 100 people, the management of the business as a rule, is able to maintain personal relations with the employees.

"Coming now to the medium-sized and large establishments, there has ever since the last war, been a gradual increase in the number of firms which have set up some kind of employee representation plan, such as a shop committee or works council. These employee representation plans include in their scope machinery for joint employer-employee discussion of some or all of such questions as improvement of shop conditions from a health and safety standpoint, wages, hours, conditions of work, and employee grievances generally. Most of these Councils or Plans, some of which have been in operation for over twenty years, have functioned well. It goes without saying that where they have worked satisfactorily over a period of years, there has been created the mutual confidence which is the indispensable condition of good industrial relations.

"As another example of the efforts which have increasingly been made in recent years to develop mutual confidence and co-operation, reference may be made to the following resolution passed by the Association last year:

'In order that the constructive benefits being experienced through employer-employee co-operation in many plants may be extended, it is recommended that full co-operation between employers and employees be developed, in the manner best suited to individual concerns, so as to achieve maximum production and an all-out effort to win the war.'

"There is abundant evidence that this policy has been widely followed by manufacturers. One form the co-operation has taken has been the formation of joint management-labour production committees.

"According to a statement made by the Dominion Minister of Labour in Parliament on February 22nd, there are approximately 631 Labour-Management Production Committees functioning in Canada, at present, representing some 327,000 employees. The great majority of these would, undoubtedly, be in Ontario.

"It remains to add that in certain industries, employer-employee relations have come to be carried on to a greater or less extent, through negotiation with trade unions representing the employees. Many of the trade unions in question have been unions representing certain skilled crafts, and the collective bargains entered into have had as their object, the safeguarding of the rights and privileges of the members of such crafts.

"To sum up, it may be said that employer-employee

relations are carried on in Ontario by methods which range from simple personal relationships in the small firms, through works councils and shop committees in the medium-sized firms, to trade union agreements in some of the larger firms. It should be noted, however, that in many of the very largest firms works councils have been functioning for many years, apparently with satisfaction to both employees and employers. That the existing methods of conducting employer-employee relations are, generally speaking, giving satisfaction to the great majority of employees, is evidenced by the fact that the percentage of Ontario factory workers who have seen fit to join trade unions is somewhere between 15% and 18%.

"The attitude of Ontario manufacturers to the proposal to pass compulsory Collective Bargaining legislation is determined largely by the history and present condition of employer-employee relations, as outlined above. So far as the right of workers to form themselves into trade unions and to bargain collectively is concerned, this has been recognized by employers for many years. As long ago as 1919 the National Industrial Conference, which met at Ottawa, and was attended by representatives of both employers and workers, formally recognized the right of employees to join any lawful organization. In spite of some isolated judicial opinion to the contrary, it is generally agreed that there is nothing illegal about a trade union as such. Collective bargaining is also legal. No statute, or

order is necessary to guarantee to workers the right to join a trade union or to bargain collectively.

"If, however, the trade unions feel that there is uncertainty as to their legal status, it is suggested that legislation should be passed removing such uncertainty and giving trade unions in Ontario the same legal status as they enjoy in Great Britain by virtue of the Trade Disputes Act of 1906 and amending legislation.

"However, if legislation declaring the legality of trade unions and of collective bargaining is to be passed, it should take account of the obligations as well as the rights of employees, the rights as well as the obligations of employers. It should provide for:

- (1) the registration of trade unions and the filing of full constitutions, by-laws and financial returns and the accounting by unions to their members.
- (2) the legal responsibility of trade unions to carry out contracts entered into.
- (3) the legal responsibility of the employers; and
- (4) provision protecting the employees who may join trade unions from self-perpetuating officers by requiring annual free elections.

"If the employer is to be protected, every statute providing for the right of workers to join a union should require every union covered by it to file a copy of its constitution, rules and by-laws and an annual list of the officers authorized to represent it. In addition, it should be required to file annually a general statement of its receipts and expenditures and

to render to its members a true accounting of all money received by it. More or less detailed provisions of this kind will be found in the Industrial Conciliation and Arbitration Act of British Columbia and the Trade Union Act of Nova Scotia. They are necessary if an employer is to know with whom he is to deal and if the members of a trade union themselves are to be protected. The rights conferred on unions by the statute should be made contingent upon the fulfilment of their obligations with respect to filing.

"Furthermore, if there is to be legislation guaranteeing and safeguarding the right of an employee to join a trade union, it should also safeguard the right of an employee not to join a trade union. In other words, if there is to be provision for punishing an employer for seeking by intimidation, or other unfair means, to prevent a worker from joining a union, then equally there should be provision for punishing trade unions or their agents for seeking by intimidation, or other unfair means to compel a worker to join, or to continue his membership in, a trade union. This has been clearly recognized and taken care of in the Labour and Industrial Relations Act of New Brunswick, and the Strikes and Lockouts Prevention Act of Manitoba. Only thus, would the principle of freedom of association be adhered to and applied.

"The principle of freedom of association has a further implication, namely, that the worker should have the right to decide not merely whether he will join a union, or refrain from joining, but also what kind of union he

will join. Thus, if he wishes to join a so-called Independent Union, any legislation based on the principle of freedom of association should ensure him that right. This is of special importance in this Province, since as has been shown, the overwhelming percentage of the factory workers have up to the present, seen fit to conduct their relations with their employers not through outside unions, but through works councils, shop committees, independent unions, and otherwise. As has been pointed out, when employers and employees have been negotiating with each other through this kind of machinery over a period of years, that mutual confidence has been built up which is the basis of all good employer-employee relations. It would, it is submitted, be most unwise to make it impossible for such machinery to continue to be used by employers and employees who have learned how to make it work satisfactorily. Both common sense and abstract justice, it is submitted, require that workers should have the same right to join an independent union as they have to join any other type of union.

"The argument that 'Independent Unions' are never free of management domination, and therefore should not be recognized as bargaining agencies should not, it is submitted, prevail. It proceeds on the principle that an employer has no right to interest himself in any way in the question of what type of labour organization his employees should adopt, which, in effect, means that the employees are to be restricted to the advice and guidance

they receive from trade unions. This principle pressed to the extent it was by the labour unions in the United States in connection with the administration of the Wagner Act ended with the absurdity that while a labour union might advise workers that they were required to join the union, such advice being untrue, the employer was not permitted to advise workers that they need not join a union in order to hold their jobs, such advice being true. It is submitted that no safeguards against undue management domination of an independent union should lose sight of the fact that an employer, while he has no right to intimidate his employees into joining an 'independent union' or refraining from joining a trade union, has a perfect right to state the facts of the situation to his employees and give his advice as to their best course. To deny this is to deny the fundamental right of free speech.

"A still further implication of the principle of free association is that a worker's right to employment should not depend on his belonging to a particular union any more than it should depend on his belonging to no union. This means that the 'closed shop' principle should have no place in any legislation on collective bargaining. It is just as unfair and as destructive of freedom as it would be to pass a law that no one could carry on manufacturing in Ontario unless he was a member of the Canadian Manufacturers' Association, that no one could engage in

the retailing business unless he were a member of a Retail Merchants' Association, or engage in agriculture, unless he were a member of some agricultural association. If the 'closed shop' principle were applied widely enough it would mean that if a worker refused to join the union in one plant he would find it impossible to get a job anywhere else. The inequality in bargaining power between the individual worker and an employer would pale into insignificance in comparison with the defencelessness of an individual worker against a trade union with the 'closed shop' system well established. It is interesting to note that polls recently taken by five or six different research organizations in the United States showed that 66% of the public are opposed to the 'closed shop' and believe in the 'open shop', that is the principle that a worker should have the right to join or not to join a union as he pleases; and that only 20% of the union workers themselves favour the rigid closed shop. Again, to the question whether workers should be forced to stay in the union if they want to get out, 80% of the public answered: 'No'. In other words, 80% of the United States public is opposed to the forced 'maintenance of membership' principle, viz. that a man can't walk out of the union of his own free will, without forfeiting his job. There is no reason to believe that the Canadian public would take a different view of what amounts to the transferring from management to the unions of the right of discharge. A further objection to the closed shop

principle at the present time is that it would cut right across the compulsory transfer provisions of the National Selective Service Regulations.

"Closely associated with the question of the 'closed shop' is that of the so-called 'check-off', the collection of union dues by the employer. No such practice, it is submitted, should be countenanced much less made obligatory. It is objectionable and unsound for the same reasons as the 'closed shop'. It is interesting to note that the polls recently taken in the United States show that of the union leaders themselves only 46%, while of the union members only 29%, favour the 'check-off', while 42% of the leaders and 61% of the members consider that the union should collect its own dues. It is significant that in Great Britain the 'check-off' is unknown, the union leaders themselves being opposed to it.

"It remains to add that it is illusory to expect that the enactment of collective bargaining legislation is going to work any miraculous change in employer-employee relations. As a matter of fact, as the Minister of Labour himself pointed out recently in the Legislature, the record of Ontario in the matter of time lost through strikes has in these war years been good. Furthermore, an analysis of recent strikes shows that the most serious of them have taken place in plants which were unionized. The suggestion that non-unionization means turmoil and strikes and unionization means peace,

harmony and maximum production is completely refuted by the facts. The key to satisfactory employer-employee relations, as has been pointed out, is the creation of mutual confidence and it is not too much to say that substantial progress in that direction has been made in Ontario by the different methods which have been referred to above. It is respectfully submitted that it would not be sound for Ontario, in the middle of a desperate war, to abandon methods of handling employer-employee relations which have apparently given satisfaction to from 80% to 85% of the workers themselves, and have resulted in employment conditions which compare favourably with those in a highly-unionized country like Great Britain.

"Even if all the safeguards advocated above were adopted, we submit that to make collective bargaining compulsory at the present time would have a disturbing effect on employer-employee relations and on war production efficiency. If American experience is any guide, the trade unions would regard such legislation as a 'go' signal, and would proceed to endeavour to unionize all the plants which seemed worth while from their point of view. This would mean, primarily, the great war industries where thousands of new inexperienced workers have been taken on during the last three or four years. The method employed would be to demand a vote to establish whether the majority of the employees wished to be represented by the union in question. What such an election would mean in the way of high-

pressure canvassing and pre-election promises needs no elaboration. Thousands of comparatively new industrial workers who would be voting in such elections would have no means of knowing whether promises made could be fulfilled, for example whether promises to secure increased wages could be made good, in view of the established wage ceiling. It is submitted that elections held under the conditions that would almost inevitably prevail would hardly lay a good foundation for sound and harmonious employer-employee relations for the future.

"In conclusion, we beg respectfully to raise the question whether the Province of Ontario would not be well-advised in the matter of collective bargaining legislation to follow the example of Great Britain, rather than that of the United States. In Great Britain, collective bargaining has been widely and successfully practised for many years, but there has never been a statute enforcing trade union recognition or compelling collective bargaining. Organized labour has been able to secure collective agreements because, in the first place, it was strong, and in the second place, it was well disciplined, and showed itself willing and able to carry out its agreements. In the United States, on the other hand, the trade unions have demanded and secured assistance from the State in the form of union recognition and compulsory collective bargaining legislation. In other words, in the United States, an attempt has been made by

statute to do what has been done in Great Britain, by voluntary and free action on the part of trade unions. It is a fair inference that the reason why organized labour in the United States and Canada has demanded compulsory legislation is that it has not been strong enough and well-disciplined enough, to secure the same recognition as organized labour in Great Britain. It may be replied that in England what made possible the development of a sound and responsible labour union movement was the establishment of the right to organize in full freedom from interference, and in the enjoyment of the immunity given by the Trade Disputes Act of 1906, from all actions in tort, and from the liability flowing from such common law doctrines as civil conspiracy, and inducing breach of contract which still underlie labour law in the United States and Canada. As to this, our suggestion, as already stated, is that if doubt still exists as to the legal status of trade unions in Canada, it should be removed by legislation, thereby putting Canadian trade unions in the same position to secure collective bargains as British trade unions."

THE CHAIRMAN: You might file the copy of the brief which you have read.

WITNESS: Yes, sir.

---EXHIBIT NO. 61: Submission of the Ontario Division of the Canadian Manufacturers' Association, Inc.

EXAMINED BY MR. FURLONG:

Q. Mr. Kilbourn, I take it from this brief that you have no objection to the unions enjoying all the freedom that they have in Great Britain at the present time, and that the manufacturers are not opposed to collective bargaining,-- A. In principle, no.

THE CHAIRMAN: Q. I beg your pardon? A. In principle, no.

MR. FURLONG: Q. --- but you are opposed to being forced to bargain collectively? A. That is correct.

Q. So far as the check-off and the closed shop are concerned, the unions are not asking that those shall be compulsory. The only thing that has been asked for thus far is that the employer be forced to bargain collectively with an agent for a majority of the employees. Now, if the majority of the employees by secret ballot say: We want so and so to bargain with our employer collectively for us, do you think there is anything wrong with that? A. I think we cover that in our brief, Mr. Furlong.

Q. You cover it in this way, that you say you are in favour of collective bargaining, but you do not want to be forced to bargain with an agent selected by a majority of the employees? A. We cover such a wide field and different types and sizes of industries, that it is difficult to answer Yes or No. I wonder if counsel might answer that question?

MR. MACDONNELL: May I answer that question?

MR. FURLONG: Yes.

MR. MACDONNELL: We are really repeating what is in the brief. The point of view of our members is that it is far better to follow the British practice of putting the trade unions in a position to bargain, and to keep away from the American practice of trying to pass a statute defining what is meant by "bargaining agent" and setting out what are to be unfair practices by employers or employees. In other words, we say the moment you get into that field you are up against what Mr. Finkelman referred to the other day when he spoke of some 40 volumes of 1000 pages each of decisions of the courts or of special tribunals set up to administer the Wagner Act in the United States, - 40 volumes of 1000 pages each of decisions on such questions as whether the employer has exercised too much influence in the organization or operation of certain company unions, as they call them over there! We say that to follow the example of the United States will involve similar difficulties over here, and that in the longrun that is not going to make for good industrial relations but, on the contrary, that it will produce exactly reverse results. We think that particularly in the middle of a war the passing of legislation of that kind is going to mean that up and down this province there will be pressure on employers to have voting in the plants, and the members of this committee know far more about elections than the rest of us do!

As we try to say in the brief, the members of the committee know what elections in one plant after another would mean, particularly these great war plants where you have, in the case of the great majority of employees, young, inexperienced people who do not know anything about labour relations. All they know is that they are now getting two or three times as much pay as they ever got before, and when they are told that if they join a union they will get further pay, naturally they fall for it. That is what we think it would mean if such legislation were passed in war time. As we say in the brief, why not put the unions on the same footing as they are in Great Britain?

MR. FURLONG: Mr. Macdonnell, the employees represented by unions are only asking that the employer should be forced to sit around the table and discuss terms of employment with a representative of the employees chosen by secret ballot by a majority. Now, after all, is it not the duty of an employer to discuss terms and conditions of employment with his employees at any time?

MR. LANG: Our brief really covers that, does it not, Mr. Furlong?

MR. FURLONG: I think your brief says you are not in favour of compulsory collective bargaining?

MR. LANG: Yes.

MR. FURLONG: I wanted to find out whether Mr. Macdonnell is not thinking of the employers being forced to enter into agreements.

THE CHAIRMAN: Do counsel and the witness agree on what compulsory bargaining means? As I understand it, no labour organization has asked anything further than that the employers should be compelled to sit down and discuss terms with representatives of any given union. No one has asked that in case they cannot agree a government official shall be sent in to draft an agreement for them, and that that agreement must be carried out between the two parties.

MR. LANG: That is quite clear. Of course, it would be an extraordinary thing if legislation were to be enacted to provide for an agreement for parties who could not agree. We appreciate that fully.

THE CHAIRMAN: So long as you understand that compulsory bargaining just means sitting around the table and discussing the points at issue.

MR. LANG: May I make this comment: Early in this inquiry I think it was brought out that collective bargaining agreements are very common in the province of Ontario, and my understanding of what was said last week is that in the great majority of plants employing any large number of men there are collective bargaining agreements in force. We are in favour of collective bargaining agreements, but definitely we cannot say for our members that we are in favour of compelling collective bargaining agreements.

THE CHAIRMAN: You mean that the great majority of your members are quite willing to sit down and make collective bargaining agreements with a company

union or an international union, but you do not want those who are not willing to do so to be compelled to do so?

MR. LANG: No; we do not believe in compulsion along those lines under our British system.

MR. OLIVER: Is not that a hard position to defend?

MR. FURLONG: Mr. Chairman, I think the representatives of the C.M.A. have made quite clear to me what their views are.

MR. B. LASKIN (representing the International Ladies' Garment Workers Union and the Amalgamated Clothing Workers of America)

Mr. Chairman, I would like to suggest another task for Professor Pinkelman. Since he was good enough to say that there are 40 volumes of the United States National Labour Relations Board reports dealing with collective bargaining, I suggest he might usefully spend some more time in informing us how many volumes and pages cover the reports of boards of investigation and conciliation under the Industrial Disputes Investigation Act in Canada dealing with the refusal of employers to bargain collectively. Further, I think we would have a more adequate picture of what such refusal to bargain collectively has meant to Canada if we were to go to the reports of the various departments of labour and ascertain exactly how much time has been consumed in dealing with the refusal of employers to meet with their employees. I think that is something that might better enable us to understand the nature

of the problem.

THE CHAIRMAN: While the witness is in the chair, perhaps you should direct your questions to him.

MR. LASKIN: I do not know whether the witness is Mr. Macdonnell or Mr. Kilbourn.

WITNESS: I hope it is Mr. Macdonnell!

MR. LASKIN: Q. Mr. Kilbourn, you stated in your brief that the Canadian Manufacturers' Association is quite willing to see that trade unions should be put in the position to bargain? A. Yes.

Q. My point, Mr. Kilbourn, is that trade unions are in the position to bargain right now? A. Obviously. You have all sorts of unions that must be working satisfactorily, judging from the evidence as to the number of unions represented here.

Q. It seems to me that there is a slight confusion in the brief in dealing with the status of trade unions rather than with collective bargaining. Let me put it this way, that the trade unions are now, as you say in your brief, legal organizations? A. Yes.

Q. And if they are legal organizations they are in a position to bargain, therefore they do not need any additional legislation to put them in that position, as your brief suggests? A. That is what we say, but if the law officers and this committee decide otherwise and are of the opinion that they need some strengthening, we are quite prepared to accept it.

Q. I do not want to touch on legal points, but to make clear to the committee that the position which the Canadian Manufacturers' Association brief takes has to do not with collective bargaining but with the status of trade unions. Now, it may be, as the gentleman says, that they are tied up, but I would like to see the emphasis placed on the collective bargaining aspect, which is what the committee is concerned with

(No response)

Q. The brief also states, I believe, that the employers have recognized collective bargaining. By that you mean, Mr. Kilbourn, that you will bargain collectively - I do not want to put it unfairly - (a) if there is an organization of employees of which you approve? A. Oh, no.

Q. That is not correct? A. No.

Q. Then, (b) you will bargain collectively if there is an association of employees which will compel you to do so?

THE CHAIRMAN: Whom do you mean by "you"?

MR. LISPIN: The manufacturers or employers.

MR. LANG: Perhaps Mr. Kilbourn can answer that question from his own experience or attitude, but the Canadian Manufacturers' Association is a voluntary association, and the brief represents the consensus of their views. I do not think Mr. Kilbourn is in a position to answer a question like that for the other members of the association in the province of Ontario.

THE CHAIRMAN: That is why I asked Mr. Laskin what he meant by "you". Pronouns are very often misleading.

MR. LASVIN: That is true, Mr. Chairman.

Q. I understand from the brief that the Canadian Manufacturers' Association take the position that they do not want to see disturbed the existing situation in which organizations fostered by the employer or encouraged by the employer are in existence?

A. That is substantially so.

MR. LANG: The answers are in the brief.

MR. LASVIN: Q. Then the employers affiliated with the Canadian Manufacturers' Association are quite willing to bargain---

THE CHAIRMAN: The witness made it quite clear in an answer to a question by myself that a great many of the manufacturers belonging to the Canadian Manufacturers' Association are quite willing to bargain with duly elected representatives of a company union or any other kind of union, but certain members of the C.M.A. are not willing to do so. I think that was made clear.

MR. FURLONG: Yes.

MR. LASVIN: With due respect, sir, that does not meet my point. Probably my language is not very lucid this morning.

MR. LANG: Let us get to the point.

MR. LASVIN: I will come to the point:

Q. The employers affiliated with or belonging to the Canadian Manufacturers' Association are willing to bargain collectively with organizations of their employees which they have fostered or organized?

MR. MACDONNELL: We did not say anything of the kind.

THE CHAIRMAN: I did not see that in the brief.

MR. LASVIN: Let me ask that question:

Q. Is it so?

MR. LANG: That is not a question, it is a statement.

THE CHAIRMAN: I imagine it would be so, if it could be.

MR. LASVIN: Exactly.

Q. And in the case of the bona fide trade union movement or the trade union movement represented by the Trades and Labour Congress of Canada and the Canadian Congress of Labour the position of the members of the Canadian Manufacturers' Association is that they do not want to bargain with them unless they are compelled to do so? A. Oh, no.

MR. FURLONG: No; that is not correct.

MR. LASVIN: As a question of policy?

MR. HAGEY: That is not in the brief.

MR. MACDONNELL: We have made it clear that many of our members have entered into collective bargaining agreements with unions.

THE CHAIRMAN: That is quite clear to me.

MR. FURLONG: There is nothing in the brief

stating that the Canadian Manufacturers' Association are opposed to collective bargaining. The only thing they ask is that no legislation be passed compelling them to bargain collectively. They are willing to bargain, but they do not want to be compelled by statute to do so.

MR. LESTER: I understand that, sir. There are one or two other small points: The brief of the Canadian Manufacturers' Association made it quite clear that they were opposed to the closed shop.

THE CHAIRMAN: I do not think we need waste time on that, because nobody is asking either for the closed shop or the check-off, which are the two big battle points in the United States today.

MR. LESTER: Q. The brief also made mention of the fact that the Canadian Manufacturers' Association, Ontario Division, was in favour of encouraging joint management-labour production committees? A. Yes.

Q. Now, for the information of the committee I think it is only fair to draw attention to the experience in Great Britain. The Financial Post of March 6--

THE CHAIRMAN: I do not want to interrupt you, but I think I should do so. I think at this stage you should just direct any questions you want to ask to Mr. Kilbourn or Mr. Macdonnell, and if there is any further submission you desire to make in answer to the brief of the Canadian Manufacturers' Association I think it should be made at a later stage. Let

us confine ourselves at the present time to questioning the witness to see if we can get any further information from him.

MR. LASKIN: I am satisfied.

THE CHAIRMAN: Any further questions?

MR. J. A. SULLIVAN (President of the Canadian Seamen's Union):

May I ask the witness a question?

THE CHAIRMAN: Yes.

MR. SULLIVAN: In the brief of the Canadian Manufacturers' Association they state that they view with alarm - perhaps not in exactly that language - the wave of organization throughout Ontario in the war plants where young and inexperienced workers have been employed within the last two or three years. Is that correct? A. Yes.

Q. Do you consider a young man of 19 years who joins up and goes overseas old enough to know what he is fighting for and what he believes in?

MR. LANG: What has that to do with the point at issue?

MR. SULLIVAN: I think it is a fair question.

THE CHAIRMAN: I think it is a fair question.

MR. LANG: The answer is Yes, of course.

WITNESS: Yes.

MR. SULLIVAN: Q. Therefore the young man who stays at home and makes munitions is old enough to know what he is fighting for and what he believes in?

A. I do not think he knows his mind as well as the man who went overseas, and whose place he has taken.

MR. BREWIN (Counsel for the United Steel Workers of America):

Q. Where do you get your figures showing that only 15 per cent to 18 per cent of the workers have seen fit to join trade unions?

A. Our counsel, Mr. Chairman, have some figures to file substantiating several matters in the brief.

Q. I would be very interested to see them?

A. They are from the Dominion Bureau of Statistics, 1940.

Q. You have not checked them up to date? A. As up to date as we can; they were published in 1942.

THE CHAIRMAN: If counsel for the C.M.A. furnishes the figures, will that be satisfactory?

MR. BREWIN: Yes.

MR. LANG: I shall be glad to file them.

MR. BREWIN: Q. Then you assume satisfaction with the conditions that exist from the fact that only that percentage of the workers are in trade unions. Has it ever occurred to you that one of the reasons why there are not larger numbers of workers in trade unions is because, as we have lots of evidence here to indicate, fear prevents many working people from joining trade unions? Have you given thought to that?

A. I have given thought to it, but I do not believe it is true.

Q. Have you heard the evidence here? A. I have

heard some of it, from interested parties.

Q. Then in the brief you state at page 6:-

"So far as the right of workers to form them-

"selves into trade unions and to bargain

"collectively is concerned, this has been recogniz-

"ed by employers for many years."

MR. LANG: Why don't you read the next sentence?

MR. BREWIN: I wanted to make it short, if I could, but if my friend wants me to read the next sentence I shall be glad to do so:

"As long ago as 1919 the National Industrial

"Conference, which met at Ottawa, and was attended

"by representatives of both employers and workers,

"formally recognized the right of employees to

"join any lawful organization."

Is that enough, Mr. Lang?

MR. LANG: That is enough. That includes members of the Canadian Manufacturers' Association, of course.

MR. BREWIN: Oh, yes.

Q. The question I wanted to ask is whether you had heard the evidence given by the Minister of Labour as to the large number of troublesome disputes that have occurred during war time because of the refusal of employers to recognize trade unions chosen by the employees? A. I read in the newspaper that the Minister mentioned a limited number.

Q. Perhaps we cannot agree as to what is large and what is limited? A. I thought he emphasized the relatively small number, Mr. Chairman.

THE CHAIRMAN: Do not pass it to me! (laughter)

MR. BREWIN: We can all read what the Minister said, Mr. Chairman, but my impression of his evidence is that there were a considerable number of serious disputes and stoppages apart from strikes which depended upon the question of recognition.

MR. LANG: I think that question was answered before by the witness, I do not see why he should be asked twice.

MR. BREWIN: If he does not want to answer it, very well.

MR. LANG: The witness has answered it.

MR. BREWIN: Q. Then it was stated that the Canadian Manufacturers' Association preferred the British system of trade unionism. Have you studied the history of British trade unionism? A. Our officials have.

Q. Your officials have? A. Yes. You are a lawyer and I am a manufacturer, and I am working as long or longer hours as anyone in our place.

Q. I am sure you are an intelligent manufacturer?

A. I do not know; sometimes I question that. I am right 51 per cent of the time.

Q. Since you have come before this committee to give evidence about trade unionism and to advocate that we follow the British example, I suppose you have taken a little time off to study the history of trade unionism in Great Britain? A. Yes.

Q. And I suggest to you that the struggle to establish the right of trade unions in Great Britain has occupied over a hundred years.

MR. LANG: I have heard this speech before!

THE CHAIRMAN: Let us be friendly. Do not let any rancour get into these proceedings. Thus far the proceedings have been conducted on a friendly basis. Mr. Kilbourn is not an expert on trade unionism, perhaps, but he does not need any protection. Thus far we have got along splendidly because everybody has kept his head and helped to preserve a friendly atmosphere.

MR. BREWIN: I just wanted Mr. Kilbourn to tell me whether he agrees with me that there has been in fact a very bitter struggle and much violence in Great Britain in the effort to establish the right of collective bargaining.

WITNESS: Undoubtedly there are cases, as you say, all the way through. All I know is that the Canadian Manufacturers' Association are like this committee, anxious to preserve friendly relations. Things are getting better, and we want to see them keep on getting better, assisted by any reasonable legislation that may be necessary.

MR. BREWIN: Q. I suggest that if the minimum, as you say, of employers who will not accept collective bargaining can be prevailed upon to do so during war time we might be able to by-pass the trouble they had in Great Britain over the course of centuries?

A. Yes, but you are not trying to say that you want to take advantage of wartime conditions and the bitter struggle now raging to settle things that have taken a great many years to settle?

Q. No, but I suggest to you that if legislation can help us to avoid that struggle, it would be valuable to get that legislation? A. We have suggested the legislation we have in mind, and without any satire may I say we are just as interested as anybody in the country in having good employer-employee relations, and to assist in the advancement of Ontario in war and peace.

THE CHAIRMAN: I think the committee realize the views of both sides. There is an honest difference of opinion to a certain extent.

MR. BREWIN: I do not want to argue with the witness, Mr. Chairman, so I will sit down.

THE CHAIRMAN: Oh, no, proceed if you desire to do so.

MR. BREWIN: No. I meant that I did not want to argue with him any more because there is a difference of opinion, apparently.

MR. STEPHEN FITZPATRICK: Mr. Chairman, I would like to clear up a misunderstanding that I feel exists here.

THE CHAIRMAN: Whom do you represent?

MR. FITZPATRICK: I am with the Steel Company of Canada (Hamilton).

THE CHAIRMAN: Proceed.

MR. FITZPATRICK: It is mentioned in the brief that has been read that the Canadian Manufacturers' Association are not against Collective Bargaining, and I believe it.

THE CHAIRMAN: They are against compulsory collective bargaining.

MR. FITZPATRICK: Yes, they are against compulsory collective bargaining, and I believe that the stumbling block not brought out is this: Let us suppose that the manufacturers or a set of manufacturers agree to sit down automatically with representatives of the C.I.O. or the A.F. of L., or what you have, and in the course of a couple of days' discussion they make up their minds to say: "All right, we will have a vote---

THE CHAIRMAN: I do not follow you?

MR. FITZPATRICK: I am putting a case to bring out a point, Mr. Chairman. Let us suppose that they mutually agree to have a vote in a particular plant. What automatically happens?

THE CHAIRMAN: A vote about what?

MR. FITZPATRICK: As to bargaining agents.

MR. NEWLANDS. How do you get these people in there if they are not bargaining agents?

MR. FITZPATRICK: I want to bring out a point to show this misunderstanding. Let us suppose that they have agreed and said: "All right, we will agree to let the plant have a vote." What automatically happens inside of a day? At the top of that lane you have one hundred individuals - I will not state any particular figure - who are bombarding the workers with propaganda.

MR. MACKAY: Who do they represent?

MR. FITZPATRICK: The representatives of unions. Now, in P.C. 2685 it distinctly states that the workers are to have freedom to join organizations of their own choice, and that is very fair; but as far as I am con-

cerned I have not seen anything in this Act---

THE CHAIRMAN: What Act?

MR. FITZPATRICK: P.C. 2685.

THE CHAIRMAN: That is not an Act; that is an order-in-council.

MR. FITZPATRICK: Yes. There is no paragraph of any kind in that order-in-council that gives one set of bargainers the right by propaganda to bring about an unnatural decision under the prevailing conditions. It seems to me that if this order-in-council was carried out in its full sense, that is literally, it would mean that after the employer - and this is a supposititious case - and the workers' representatives have mutually sat down and agreed to have this vote, they should both cut out the propaganda completely and leave it to the boys to record their decision after the vote. To me that would be pure democracy. But to let one side or the other, I do not care which, start a campaign of propaganda, having regard to all the vituperation that goes with it, does not make sense. I only brought this out to try to clear up what I consider is a misunderstanding in the brief in this case.

THE CHAIRMAN: Has any member of the committee any further questions to ask?

MR. MACDONNELL: Mr. Brewin asked about the origin of the figures as to the number of members of trade unions in Canada. I have here Hansard for the 11th February, where Mr. Humphrey Mitchell, the Minister of Labour, stated at page 350:

"The figures show that trade union membership has increased more in the last two years than in any other period since the last war. The number increased from 365,000 in 1940 to nearly 462,000 in 1941. The increase in 1942 for the three major organizations was over 55,000."

That would give you something over half a million, and the total number of workers in Canada is something like 3,000,000, which would give you what?

MR. FURLONG: One-sixth.

MR. MACDONNELL: The figure of the total number of employees in Canada of 3,000,000 is probably very conservative, I suggest.

THE CHAIRMAN: Would you go as far as Mr. Kilbourn went in answer to Mr. Brewin and say that there has been an anxiety on the part of a great many workers about joining a union because of the fear that they would get fired?

MR. MACDONNELL: That, of course, is a matter of opinion. I would submit, Mr. Chairman, that that is the least of the factors that have brought about the present condition. As we say, between 82 per cent and 85 per cent of the workers are not members of unions. Now, it is a matter of opinion, but we say that the element of fear is the least of the factors entering into it.

MR. LANG: Arising out of a question asked by my friend Mr. Furlong, may I refer your committee to two matters. One is with reference to the record of strikes in the United States. I take this from the

United States Bureau of Labor Statistics:

"Analysis of strikes, serial No.R-939." I should like to file an extract from that as an exhibit. My reason for filing it is that it shows by percentage in the United States the causes generally of strikes over a period of years, and it shows in an ascending scale from 1932 to 1939 the percentage of strikes caused by the question of union organization. The reason I put this in is because the question was raised as to the experience in Great Britain. I suggest that this table has some bearing on the experience in the United States with its Wagner Act and similar legislation.

---EXHIBIT NO. 62: Table re Major Issues involved in strikes in the United States (U.S. Bureau of Labor Statistics):

"TABLE 2: MAJOR ISSUES INVOLVED IN STRIKES
UNITED STATES

<u>Year</u>	<u>Wages & Hours</u>	<u>Union Organ- ization</u>	<u>Miscell aneous</u>
1927	41.0%	36.0%	23.0%
1928	35.8	36.5	27.7
1929	40.4	41.3	18.3
1930	43.6	31.8	24.6
1931	56.1	27.8	16.1
1932	65.7	19.0	15.3
1933	55.4	31.9	12.7
1934	39.5	45.9	14.6
1935	37.9	47.2	14.9
1936	35.1	50.2	14.7
1937	29.9	57.8	12.3
1938	28.0	50.0	22.0

1939	26.5	53.5	20.0
1940	30.2	49.9	19.9

(U.S.Bureau of Labor Statistics)

Then may I put in one more exhibit, sir, taken from the Labour Gazette of May 1942: "Strikes and lockouts in Canada and other countries, 1941." This is extracted from page 30 of that report, and it shows a comparison of the man days lost in Canada as against the man days lost in the United States by strikes from the year 1935 to the year 1941 inclusive. It also shows the number of plants involved in those strikes. Generally speaking, a comparison of the figures, giving effect to the difference in population, shows the number of establishments affected and the number of man days lost as almost double in the United States during those years.

---EXHIBIT NO. 63: Extract from Labour Gazette, May 1942 re Strikes and Lockouts in Canada and other countries, 1941 (Dominion Bureau of Statistics):

"STRIKES

	<u>CANADA</u>		<u>U.S.</u>	
	<u>Ests.</u>	<u>Man days lost</u>	<u>Ests.</u>	<u>Man days lost</u>
1935	120	288,703	2,014	15,456,337
1936	156	276,997	2,172	13,901,956
1937	278	886,393	4,740	28,424,857
1938	147	148,678	2,772	9,148,273
1939	122	224,588	2,613	17,812,219
1940	168	266,318	2,508	6,700,872
1941	231	433,914	4,212	22,923,374

Dominion Bureau of Statistics
Labour Gazette"

THE CHAIRMAN: It looks as if we are not going to be able to conclude with the Canadian Manufacturers' Association before luncheon.

MR. LANG: That is all we have to submit, sir.

THE CHAIRMAN: There are one or two matters in the brief that rather intrigue me, and I think I shall ask Mr. Filbourn if he can return at two o'clock this afternoon.

MR. LANG: Very well, sir.

---Witness stood aside.

---Whereupon the committee adjourned at 1.00 o'clock p.m. until 2.00 o'clock p.m.

(page 490 follows)

TUESDAY, MARCH 9, 1943

AFTERNOON SESSION.

---On resuming at 2.00 p.m.

THE CHAIRMAN: All right, gentlemen, you will please come to order.

MR. FURLONG: Mr. Chairman, I understand you desire to ask a question.

THE CHAIRMAN: It was my desire to ask a question of Mr. Kilbourn, as there was a point which was not clear in my mind, but I had a chance of discussing it at the noon adjournment with Mr. Furlong. It has been now cleared up, so I have nothing further to ask Mr. Kilbourn.

Have any of the other members of the committee any questions to ask of him?

MR. HAGEY: I have, sir.

K. N. KILBOURN, recalled.

EXAMINED BY MR. HAGEY:

Q. In your brief, sir, do I understand you to mean you are not asking for the incorporation of unions?

A. We have asked for it.

MR. MACDONNELL: We have asked for registration.

MR. HAGEY: What page is that, Mr. Macdonnell?

MR. MACDONNELL: Page 7; at the top of page 7.

MR. HAGEY: You are not asking for incorporation, sir? A. Not necessarily; some form of registration, incorporation, as your committee recommends.

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Q. Those are two different things? A. Well, I think it is covered in the brief. What page is it?

MR. MACDONNELL: Page 7.

THE WITNESS: We have been over that and discussed it.

MR. MACDONNELL: We do not ask directly for incorporation, anyway; it is inferred.

MR. FURLONG: You would be satisfied with registration?

MR. MACDONNELL: Yes. It is referred to at page 7 as putting responsibility on unions if they ask for legal or legislative recognition of various kinds. We think it is only fair to say we should be in a position of knowing with whom we are dealing.

MR. HAGEY: How do you reconcile that with the end of your brief at page 13?

MR. MACDONNELL: In what way?

MR. HAGEY: You are referring to the Trade Disputes Act of 1906 in England.

MR. MACDONNELL: Well, under the English law, as I understand it, there is registration.

MR. HAGEY: But it is not compulsory.

MR. MACDONNELL: No; it is optional.

MR. FURLONG: It is permissible.

MR. MACDONNELL: But, on the other hand, there is no compulsory feature of the British law as regards employers either, but we say if you are asking the legislature and the employers, both, to do something, it is only reasonable you should on your part base it

on registration.

MR. FURLONG: Does any member of the committee wish to ask any further questions?

THE CHAIRMAN: If not, thank you, Mr. Kilbourn.

THE WITNESS: Thank you, sir.

THE CHAIRMAN: Any other representations to be made on behalf of the Canadian Manufacturers Association?

MR. LANG: No, sir. I have no other witness, sir, but before we leave, I should like to ask Mr. Macdonnell to make a statement as to a question which was asked before luncheon, if I may.

THE CHAIRMAN: Very well.

MR. MACDONNELL: Mr. Chairman, one or two observations made by one or two members of the committee suggested they had the idea the position was that 96, or 97 or 98% of the members of the Canadian Manufacturers Association were bargaining collectively themselves, and had no objection therefore to collective bargaining being made compulsory, it would not affect them and that sort of thing, but that they were sticking out against it being made compulsory in order to stand up for a minority of one or two per cent, or whatever it may be, of employers, who, it is alleged, are refusing to bargain collectively. I just wish to make it clear that is not the case at all. This 96 or 98% of the members who are bargaining collectively now in the various ways referred to in the brief are, themselves, opposed to the collective bargaining being made compulsory. You see, they are doing it for themselves,

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not simply for the ^{K.N. Kilborn,} one or two per cent, and they are
objecting to it being made compulsory for the reasons
set out in the brief that they think it would lead us
in this province into the same morass of litigation and
so on which they have in the United States over the
question of bargaining units, unfair practices and so
on, and, as I said this morning, it would mean votes
being precipitated in the various plants and would just
lead to an unholy amount of turmoil and so on in war
time. The point is that it is not a case of the
majority objecting to compulsory bargaining being made
compulsory in the interests of the very small minority,
but they are objecting to it because they think it
would be bad for them and would, as I say, make
impossible the carrying on of the methods of collective
bargaining which they themselves are using.

THE CHAIRMAN: In other words, you think it would
make it about as difficult as you were
making it for the committee, because the union said
"If we do not have collective bargaining we will have
strife and turmoil", and you say "If we do we are going
to have strife and turmoil." We are damned if we do,
and we are damned if we do not.

MR. MACDONNELL: Yes, sir.

MR. LANG: In conclusion, I wish to thank you and
the other members of the committee for hearing us
to-day and I repeat or reiterate what I said this
morning, subject to your approval, if later on we may
see fit to submit further material we may do so.
Unlike another organization which was here last week,

we are not asking for any secret session with the committee.

MR. FURLONG: Next on the list, Mr. Chairman, is the United Copper and Nickel Workers organization, represented by Mr. Facer.

UNITED COPPER AND NICKEL WORKERS.

E. C. FACER, (sworn).

THE CHAIRMAN: Q. This is presented on behalf of and for the United Nickel and Copper Workers?

A. Yes, sir.

Q. All in Sudbury or in different places?

A. The Sudbury district.

Q. Very well. A. I wish to make it plain at the outset that I am appearing here only in the capacity of spokesman for the union. I, myself, am not a union man. I am a lawyer. I have been associated with them in their efforts. I wish to make it plain also that the contents of this brief is composed of information supplied to me by them.

I have with me the president and vice-president of the union, to be sworn as witnesses to answer any questions which may arise. What I am about to read to you represents their views as they have expressed them to me.

Q. Very good.

MR. FURLONG: You may sit down, Mr. Facer, if you like.

THE WITNESS: Thank you. The brief reads:-

"This organization is an independent union, and while as yet in its infancy is composed of and represents men engaged in an industry where any industrial strife at the present time would do more harm to the war effort of the United Nations than in any other industry. The industry we work for is unique inasmuch as it produces the entire supply of nickel for the United Nations and there is no other one similar to it existing in Canada. The conditions are peculiar to it, and we therefore realize our grave responsibility.

Our union is absolutely independent, formed by the men themselves, and came into being from within, by the banding together of some 100 employees without the assistance of the company or organizers from any outside source. For years there have existed our benefit or welfare associations in each of the various mines, smelters, and the refinery in our district. In 50 years of operation there has been no strike or threat of strike. The Company has provided great recreational facilities, pensions, group insurance, Christmas bonuses and holidays with pay, with the result that there was a number of employees not interested in unionism at all. The welfare associations had, after a fashion, assisted in adjusting various minor grievances that arose between an employee

and the management, but there was no co-relation between the various welfare organizations existing in each mine or plant, and they were not labor unions and did not have the complete machinery for dealing with grievances.

Early in May of 1942 one of the Associations, namely the Copper Cliff Smelter Welfare Association, feeling that more definite and specific arrangements should be provided for handling grievances with the Company, wrote to the management requesting a meeting between their representatives and the management to discuss means of adjusting employment conditions, seniority, wages and other labor matters. These welfare associations unquestionably represented a large majority of the employees, but the feeling of the employees was that with the forward movement of labor we should have more definite arrangements for adjusting grievances with the company and obtaining improvement in working conditions, etc., than the loose method of the various welfare associations. Numerous meetings were held between the company and the employees' committees representing each of the various associations, resulting in the company agreeing to recognize and negotiate with representatives of the welfare associations as representing the men regarding labor problems as their collective bargaining agents. This was in November of last year.

The employees, however, were not entirely satisfied that the associations were not to some degree dominated by the management or that the

protection against discrimination for union activities was extended to them. Furthermore the constitutional arrangements under the various welfare associations were not satisfactory, and it was then decided to form into labor union. A complete re-organization took place. A new constitution was drawn providing for one central union executive having locals in each of the mines, smelters and refineries in the district, with membership open only to hour rate and per day work rate employees and excluding any person having authority to hire or fire. New memberships were obtained, new elections were held. Negotiations are now under way with the management for necessary changes and amendments in the previously made arrangements.

Our union came from the employees themselves, was formed on their own time, at their own expense and without help from any one. Our membership has grown and is growing. We pay our own office rent, collect and retain our own dues with an apportionment between the local and the central treasuries. The company has not assisted or encouraged us - on the other hand it has not discouraged us.

However, some organization for an international union who had been in and out of town on a previous occasion opened expensive headquarters with a staff of nine full-time paid organizers, and have actively engaged in a campaign to put a local of their union in, using all the high-pressure propaganda at their disposal, the organization being headed by the same

man who had been in charge of the Kirkland Lake strike.

We are against company-dominated unions or unions that are forced on the employees by the management for their own purposes. We also say that a union foisted upon the employees by glib-tongued paid outside organizers with high-pressure propaganda and seemingly limitless bank accounts, with funds sent in from the outside for that purpose, and using the lowest of methods, are equally objectionable and no more truly representative of the true wishes of the employees than a company union.

We are not convinced that their interest goes beyond the great potential financial return to the treasury of the foreign union from 12,000 Canadian employees each month, particularly once they would be able to establish themselves as the agency of the workers and through the closed shop put all the employees at their mercy. We recognize that employees should be entitled to organize in any organization that they themselves freely choose, and that such organization is their strength and protection in enforcing their requirements for the improvement of hours of labor, working conditions, etc. with the employer, but we realize as well that the employees should be protected from the inroads of professional union organizers interested only in new union dues and accumulation of power.

We feel that there is nothing that any outside union can get for us from management that we can not secure ourselves through our own union. We believe that a collective bargaining agreement pre-supposes an

independent union formed by the employees themselves to bargain with their employers. We feel that we ourselves know best what we want and we are in the best position to determine our own fate. Many international constitutions make it compulsory for the International to be a party to or approve of any collective bargaining contract. Therefore we claim that all employees should be entitled to organize in any organization and belong to any union which they themselves freely choose, and trust that in whatever legislation is passed nothing should be done to illegalize or harm our type of union. We believe that the ideal of a union formed by the men themselves through their own efforts and with their own ideas with the subsequent right, if they themselves so choose, to affiliate with a union of international scope, but without subjecting themselves to foreign domination, should be fostered. We further advocate that an Ontario Labor Relations Board be established to deal with any grievances without the necessity of a strike vote."

With respect to that last paragraph, I do not wish to be misunderstood. We do not wish to give up the right to strike. Our experience in labour matters, as I say, is somewhat limited, and we appreciate that, but it has been our information that if we have agreements with a company within our organization dealing with the company and we come to the stage at which we have reached a stalemate, before we can call in another independent board or organization to sit down with us and possibly

persuade the management to listen to us, or on the other hand persuade us to listen to the management, we have to take a strike vote. We understand that before we can do that we have to take a strikevote.

THE CHAIRMAN: Q. That is, under the Dominion legislation? A. Yes, sir.

MR. FURLONG: Q. Well, Mr. Facer, the headquarters of this organization is in Sudbury?

A. In Sudbury, sir.

Q. How many members have you now?

A. That is something I do not feel would be in the best interests to expose just at the present time by reason of the fact we do not feel it is in our interest to have management know exactly how many members we have, or the other rival union which is attempting to get in there at the present time.

Q. Have you a majority? A. We feel we have a majority.

MR. ANDERSON: Q. Does it include the plant at Port Colborne? A. No. In Sudbury there are a number of mines in the surrounding district within an area or within a circumference of roughly twenty miles---

Q. Mines and smelters? A. Yes. There are two smelters, one refinery and a number of mines.

MR. FURLONG: Q. How many employees in the area?

A. There are 12,000 men eligible for membership in the union. That is including, as I say, those who have supervisory power.

MR. OLIVER: Q. How many members has the union?

THE CHAIRMAN: He said he did not want to answer

that.

MR. OLIVER: I am sorry.

THE WITNESS: I have said in the brief that at the time they first agreed to enter into negotiations with us they represented a majority.

MR. FURLONG: Q. Well, according to this brief, Mr. Facer, all you really ask for is to be free to choose a union -- that is, your employees -- without any coercion or domination from the employer, employee or any other organization of any kind?

A. Yes. The impression seemed to be abroad -- we have frankly been accused of being a company union. That possibly is the reason that we decided to appear here and make our position clear as to how we came into existence. The impression also seemed to get abroad the feeling seemed to be that independent unions, dominated or not, were just a nuisance.

Q. How do you select the committee representing your members? How is it selected?

A. That is, the committee which deals with the executive on those things?

Q. Yes. A. It has to be rather long and complicated by reason of the fact that conditions are different in each branch of the industry there. In the mine there is a committee of that local to take up the grievance. The grievance is first taken up with the foremen. Therefore, the same committee will take it up with the superintendent of that mine.

THE CHAIRMAN: Mr. Furlong wishes to know how the

representatives are elected.

THE WITNESS: Oh, by ballot.

MR.FURLONG: That is what I wanted to get at.

Q. Is that a secret ballot? A. Yes.

Q. Does the company in any way interfere with the conduct of the taking of the ballot? A. No, not to my knowledge. I was not there, but I have Mr. Moland present, whom I would like to call. He was a member of the welfare committee which originally started the agitation. He has gone through one election, having just been recently elected.

THE CHAIRMAN: Then, he ought to be able to tell us how it is done.

T. MOLAND, (sworn).

EXAMINED BY MR. FURLONG:

Q. Mr. Moland, you can probably tell me just how your committee is appointed. A. In the first place, we hold elections by secret ballot. We borrow the ballot boxes from the city and elections are held open for two days in order to give every man in the plant a chance to speak. That is, that election is for private stewards and from amongst those stewards are nominated the officers.

THE CHAIRMAN: Q. You mean the stewards nominate among themselves the officers? A. No. The men nominate the officers from amongst the stewards. We hired a hall and opened nomination meetings. Those

officers were elected. The president and vice-president and so on in each local was elected by all the members of hourly rate men in the plant. The members of the central executive are elected by these officers, two men from each plant, from amongst and by the officers.

Q. And they are the ones who sit down and discuss the grievances with the men? A. Yes, they are.

MR. FURLONG: Q. Have you negotiated an agreement with the companies? A. We did negotiate an agreement and signed an agreement with the company in November, but we did that as a welfare association. The set-up was not satisfactory to us, and we have had a complete re-organization and we are now independent altogether. We have no initiation fee. ~~The dues were \$1~~ a month and our dues carry all our expenses of our union. The company has not interfered in any way or tried to, in our elections.

MR. OLIVER: Q. Your present union really grew out of what could be properly described as a company union? A. Yes, but we broke away from the company altogether.

MR. HAGEY: Q. Do you accept the principle of the majority rule? A. Yes, sir.

Q. In other words, if some other organization had 51% of your membership you would consider they were the proper bargaining agency for all the men?

A. Yes, we would.

MR. FURLONG: I do not think there is a great deal

of difference in the contention of this organization and any other.

THE WITNESS: You see, since we started negotiations with the company a rival organization has come into town, and, like it says in the brief, with nine paid organizers they have tried to break down our union to set up their own. They have sent petitions to the Ontario government to outlaw our type of union. That is why we wanted to submit a brief to show that we are not a company union.

THE CHAIRMAN: Q. You want to be left alone?

A. Yes. We already had a bargaining agreement with the company. We could not see any necessity for that other union to come in and try to interfere for any other reason than that they wanted the dues those 12,000 men would be paying in to their organization instead of ours. We feel that we can get as much from the company as any other organization.

Q. You say, I take it, you would not want legislation passed prohibiting them from trying to sell the idea or the merits of their union over and above your union? A. No, not at all.

Q. If they are good enough salesmen to sell it and can eventually get more than you can get yourselves, if the majority swing that way you would not have any objection to that? A. That is true, but their record of strife and strikes in Canada is very bad. In fact, they have threatened on several occasions that what they want to do is get

in there in spite of the company agreement and good relations with the company, and they are willing to go to the extreme of causing a strike to get that recognition.

Our industry is the most important, we feel, in the metallic industry to-day. It would tie up all the metallic industry of the united nations to-day if that plan was followed.

MR. FURLONG: Well, they have not been able to do that to date.

THE WITNESS: Not to date.

Q. That is one of your worries, but that has not happened? A. No.

Q. And if they do obtain a majority of the members you see no objection to the majority rule obtaining. In other words you say you think you have a majority of the employees now, therefore you are the bargaining agent, but if the majority of the employees join another union and it was so proved, they would be the bargaining agent?

A. Yes.

THE CHAIRMAN: In other words, the poor old minority---

THE WITNESS: Would be out.

MR. FURLONG: They have to sit with the opposition during the life of the legislature.

THE CHAIRMAN: Q. I suppose the theory is that the majority can look after themselves, but the secret of democracy is to try to protect a minority? A. Yes.

MR. FURLONG: I do not think you need to worry very

much, Mr. Moland, Your ideas are a good deal along the line of the regular union.

THE WITNESS: I would like to say that we do want this bargaining legislation to go through, but we feel that management of any plant should have to sit down and negotiate with the representatives of labour in the plant.

Q. In other words, you are in favour of compulsory collective bargaining? A. Yes.

THE CHAIRMAN: Are there any questions any of the committee would like to ask?

MR. H. ROWE: I would like to ask the witness a question.

Q. Is it not true that the "ing, Mill and Smelter Workers Union has been organized in Sudbury for the past two years? A. They did start to organize but I understand they left town for a matter of eighteen months or so, and they came back again.

Q. But they did organize before the association was formed? A. Yes, before this one, but they were inactive at the time our negotiations started and an agreement was entered into. They were very inactive and they became active since.

MR. CURRIE: I appear on behalf of the Trades and Labour Council, Fort William.

Q. You say that last November, while you were still a welfare association, or, as you have admitted, a company union, the company did sign an agreement with you? A. Yes.

Q. This agreement was not satisfactory to the workers, the majority of the workers, so you formed a union. Have you since becoming a union signed another agreement with the company? A. No.

Q. You have not. Have they been willing to sit with you? A. Yes, they have.

Q. And you have not come to any agreement?

A. No.

MR.BREWIN: Q. You said at one time you represented a majority of the employees. How did you find that out? How do you know you did? A. By the membership list of the different welfare associations.

Q. You said you were not ready to state you represent a majority now? A. No.

Q. In other words since your new organization has been formed you do not really know whether you represent the majority of not? A. The membership of the welfare association voted at the end of the year. It ran from year to year. It ended at the end of the year and we have been signing up new members since the beginning of the year.

Q. But, you have not yet signed up enough new members to make yourself a majority? A. I do not believe we are a majority, but I am sure we are the largest organized body of men in those plants.

Q. I did not quite catch what you said about the election. Do you tell me the representatives are not elected by the members of your organization but by all the people in the plant whether or not they are members?

A. In Copper Cliff this year, as it was a new organization just getting on its feet there, just starting, every man in the plant was given the chance of voting whether or not he was a member.

Q. Every member in the plant was given a chance to vote whether or not he was a member of your organization? A. Yes.

Q. Who conducted that vote? A. The vote was conducted by the welfare association.

Q. And what about the fees? Have you any objection to telling me about what fees your members pay? A. The fees are a dollar a month.

MR. FURLONG: Surely we are not here to investigate the question of fees.

THE WITNESS: It is a dollar a month, but there is no initiation fee.

THE CHAIRMAN: He gave that evidence before.

MR. BREWIN: Q. I think you have already told the committee you are not a company union dominated by your employers? A. Yes.

Q. If you were a company union dominated by your employers you would not object to legislation dealing with such an organization?

MR. NEWLANDS: That is hardly fair.

MR. FLACER: I think it has been set out in the brief they can join any union they please.

MR. BREWIN: Q. You would not object to any legislation providing for someone investigating whether or not you were a company union, and, if they found you

were, then making it illegal to bargain with you?

A. No, not at all. We are not at all afraid of registration because we have nothing to hide.

Q. I did not mean that exactly. You have no objection to some administrative body or representative of the government having the power to come in and find out whether you are really a company union?

A. Not at all.

Q. I think that is all.

MR. A. ANDERSON: We had a member from the federal government sent to Sudbury to investigate whether or not it was a company union and we never had any word about it. We were permitted to continue, I mean.

MR. FACER: I think he came and examined the interchange of correspondence between the then welfare association and the management, and he satisfied himself the pressure had come from them.

MR. MOLND: We have correspondence from a time of six months before we got the union fees.

MR. NEWLANDS: Surely we are not interested in the correspondence this man has.

MR. FURLONG: Mr. Anderson, is there anything you can add to the last witness' statements?

MR. ANDERSON: I do not know, sir.

THE CHAIRMAN: Perhaps Mr. Anderson had better be sworn.

A. ANDERSON, (sworn):

I have heard and read so much about, they being an

international union, their not asking that we be forced into their kind of union business, but it is a different thing where we are because they are preaching from the platform that nothing can operate only that kind of union.

THE CHAIRMAN: Q. What is your occupation?

A. Vice-president of this union.

Q. What would you like to tell the committee?

A. The stuff that is being preached on the platform where we are in opposition to us is just like I said. I would like to answer that man in regard to the question of opposition. They were in existence two years before and they got out and stayed away for eighteen months, because the same men---

Q. People use pronouns, which mean something to the people who are doing the talking but which mean nothing to the people who are listening. Who are "they"?

A. I mean the organizers of the international union. They were in existence two years ago in Sudbury, but they did not make any headway, so they pulled out and at the time we started negotiations with the company to change from a welfare to a union they were actively engaged just about the termination of the Kirkland Lake strike. They are exactly the same men who are in our midst to-day. They were certainly not active in Sudbury while they were active in Kirkland Lake. While we were actively engaged with the company there was nobody engaged in organizing any opposition at that time.

In our case, sir, a union such as our union knows there is a grave responsibility now resting on the nickel industry. Our tonnage is 6,200 to 10,000 tons a day sometimes. Two weeks' tie-up would mean disaster. We are giving nickel and other necessary metals to airplane plants and so on. I say, Yes, men must have the privilege of joining a union of their choice, but it is not always a case of joining a union of your choice. When you have salesmen paid the way they are, they are selling a union but they are not selling the constitutional rights of that union to the men. I think the government should pass legislation whereby the government approves of a constitution. Even if there is international unionism there can be a United Steel Workers of Canada Union and there can be a United Steel Workers of America Union, but they should operate under separate constitutions to suit those countries, because, referring to the constitution of the union which is in opposition to us, mind you, one clause of that constitution gives the president of the American Union full authority to tie up the nickel district without a vote on a sympathy strike. If there was a little copper mine mine down in their country with ten men out on strike he would have full authority under the sympathy strike clause to call out the men in the nickel district.

MR. MACKAY: Are you trying to convey the fact that a sympathy strike could be called in a plant up here, in Sudbury, in respect of nickel? A. Yes. I would like to read that, if you will permit me.

MR. ANDERSON: There is no need. We understand it.

MR. FURLONG: Have you a copy of that constitution you can file with us? A. Yes. It is under the head-note "Strikes and Adjustments." Section 1 is on a proper, democratic vote, the way we Canadian people want it.

Section 2 reads:

"Section 2. In case of a strike being in progress in the jurisdiction of the International, where a union or unions of the International is on strike, regularly ordered by the union or unions and the Executive Board, and in the opinion of the President and the Executive Board it becomes necessary to call out any other union or unions in order to carry the strike to a successful termination, they shall have full power to do so."

There is no question of a vote in the second paragraph at all. What chance has this country against Hitler and these people if one man has full authority to pull out men from the world's most vital industry to further or to bring to a successful termination a strike in any of his little unions anywhere?

MR. MURRAY: Q. You are of the opinion that you would be called on strike, without any troubles of your own, in sympathy of some other strike perhaps over in the United State if you joined the C.I.O. or some other union? A. That is exactly what that states.

THE CHAIRMAN: Q. Do you mind filing that?

A. I certainly do not.

---EXHIBIT NO. 64: Article 8, "Strikes and Adjustments", Constitution of the International Union of Mine, Mill and Smelter Workers.

MARGARET SEDGWICK:

Q. Representing the Packing House Workers Organizing Committee, Mr. Anderson said some time ago the organizers folded up. Tell us under what circumstances they folded up or withdrew from Sudbury? A. They folded up through lack of membership and funds and pulled out of the district.

Q. Is it true that what happened to them was their office in Sudbury was broken into and their organizers were broken up? A. When I said they folded up it was two years ago. When their office was broken into was one year ago. That case was filed as a revenge business on the part of Kirkland Lake miners who came to Sudbury.

Q. In other words, the organization was resumed in Sudbury some months before your organization got started? A. What do you mean? No; they had been there only one day. Maybe they intended to resume business. I believe they were there only one day. They set up business and put their shingle out. I am only telling you what I believe and what I understand, because I was interested in it. I believe the next day a bunch of men came from Kirkland Lake looking for work and they ganged up on the organizers who had caused the

grief up there and smashed up the office. There must have been something legitimate to it because there were no charges laid.

Q. But nobody ever tried to smash up your office?

A. No, not yet.

MR. ROWE: Q. Are you agreeable to a vote?

A. Any time they like.

Q. Under government supervision?

A. Any time they like we will vote.

Q. Is it true that the head office of the International Nickel is in Boston? A. It is true that the head office of the International Nickel is in New York, but it is also true that the International Nickel Workers get paid in Canadian money.

Q. Is it not true that the International Nickel Company has an agreement in the United States with a local in the Mine, Mill and Smelter Workers Union?

A. That is true, but we are not operating under the Wagner Act in Canada. I might remind you that in Denver, Colorado, there is a place which is supposed to have two pennants for production. Our production as recorded by the government for 1942 gives us 500 million pounds of nickel, but the government did not give us pennants, or we would have them strung up all the way down the stacks.

MR. BREWIN: Q. You have told us something about this constitution. Have you ever heard of a strike in Canada being called by the International Union in sympathy with some other strike in the United States?

A. The fact we have never heard of it never gave them a better chance to know. Anybody who is interested in the welfare of this country knows the chance if they are interested in the downfall of the country in calling such a strike.

Q. Have you ever heard word of any case of a sympathy strike called in Canada by some international representative? A. I have never heard of it, but it is possible it might happen. If it cannot happen why is it in the constitution?

MR. CURRIE: Will this gentleman tell us why, if his union has functioned so well, the company has not signed an agreement with them as it did with the company dominated welfare?

THE WITNESS: The original agreement still exists and we are negotiating now for amendments to the original agreement.

Q. In spite of the fact it was so unsatisfactory to the workers that they overthrew the welfare society and formed a new one, it still exists? A. The fees were a dollar a year in the welfare, and they are a dollar a month in the union, and there are lots of Scotch people in the union.

MR. McCLURE: Q. Representing Local 1009, United Steel Workers of America, is it not true that also in the constitution of the Mine, Mill and Smelter Workers there is also a provision that no strike can be called without the sanction of the International president, and is it not also true that the Mine, Mill and

and Smelter Workers Union, as a member of the Congress of Industrial Organizations has given both in Canada and the United States a no strike pledge? There are two questions for you to answer.

THE WITNESS: A no strike pledge has proved to be absolutely worthless. It has proved to be absolutely worthless since this war started. It is like every other agreement; it can be broken. A no strike pledge has been broken and to the extent that when the United States gave us 50 destroyers we laughed our heads off at the Germans, the United Steel Workers of America pulled out their men for a few days, and we lost enough production to build a flotilla of modern destroyers.

THE CHAIRMAN: All the members of the committee are engaged in sitting in the House. There is an important meeting in the House this afternoon. I was hoping we would be able to get through here. There is another meeting here scheduled for to-night, and any of the people who have representations to make may come.

The committee will meet again at 7.30 p.m.

As speaker of the House I invite every one of you who cares to come up and see the House and how laws are made in the House. If you go into the Speaker's ante-room you will be supplied with tickets and you may sit in the gallery. There you will find out how your laws are made -- at least on the surface.

---Whereupon, on the direction of the Chairman, this committee adjourned until 7.30 p.m.

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